

AMENDED IN SENATE JUNE 15, 2016

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1611

Introduced by ~~Committee on Budget (Assembly Members Ting (Chair), Travis Allen, Bigelow, Bloom, Bonta, Campos, Chávez, Chiu, Cooper, Gordon, Grove, Harper, Holden, Irwin, Kim, Lackey, McCarty, Melendez, Mullin, Nazarian, O'bernalte, O'Donnell, Patterson, Rodriguez, Thurmond, Wilk, and Williams)~~
Committee on Budget (Assembly Members Ting (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Holden, Irwin, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, and Williams)

January 7, 2016

An act to amend Sections 1602, 1609, 1610, 1613, 1615, 2942, 12157, and 12159.5 of, and to add Sections 2081.2 and 12008.1 to, the Fish and Game Code, to repeal and add Section 52334 of the Food and Agricultural Code, to amend Sections 8670.48.3 and 12812.2 of the Government Code, to amend Sections 25150.7, 25150.84, 25189.3, 25205.7, 25205.18, 25205.19, 25247, 100829, 100860.1, 100862, 105206, 116590, and 116681 of, and to add Section 25253.5 to, the Health and Safety Code, to amend Sections 10187.5 and 10190 of the Public Contract Code, to amend Sections 4629.6 and 4629.8 of, to amend, repeal, and add Section 21191 of, to add Chapter 6.5 (commencing with Section 25550) to Division 15 of, and to repeal the heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of, the Public Resources Code, to amend Sections 43053 and 43152.10 of the Revenue and Taxation Code, to amend, repeal, and add Sections 5106 and 5108 of the Vehicle Code, to amend Sections 1430,

1440, and 13205 of, and to add and repeal Section 79717 of, the Water Code, to amend Section 258 of the Welfare and Institutions Code, and to amend Section 11 of Chapter 2 of the Statutes of 2009 of the Seventh Extraordinary Session, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Committee on Budget. Public resources.

(1) Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. Under existing law, it is unlawful for any person to violate those notification and agreement provisions, and a person who violates them is also subject to a civil penalty of not more than \$25,000 for each violation. For purposes of these provisions, existing law defines entity to mean any person, state or local governmental agency, or public utility subject to the notification and agreement provisions.

This bill would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would subject to that civil penalty any entity that violates those provisions.

Existing law authorizes the director of the department to establish a graduated schedule of fees to be charged to any entity subject to the notification and agreement provisions, and authorizes the adjustment of fees. Existing law imposes a \$5,000 fee limit for any agreement.

This bill would instead authorize the department to establish that schedule of fees, and would require that the department adjust fees annually. The bill would modify that fee limit to prohibit a fee from exceeding \$5,000 for any single project.

(2) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the Department of Fish and Wildlife to recommend, and the commission to adopt, criteria for determining

if a species is endangered or threatened. The act prohibits the taking of an endangered, threatened, or candidate species, except as specified. Under the act, the department may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would require the department to collect a permit application fee for processing applications for specified permits issued by the department to take a species listed as candidate, threatened, or endangered, except as provided. The bill would require the department to assess the permit application fee according to a graduated fee schedule based on the cost of the project and whether the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations. The bill would create the Endangered Species Permitting Account and would require the permit application fees collected by the department to be deposited in the account and used upon appropriation to pay the department's cost of processing permit applications, permit development, and compliance monitoring. The bill would make funds deposited in the account available to the department, upon appropriation by the Legislature, for those purposes and for administering and implementing the California Endangered Species Act.

Under existing law, a violation of the act is a misdemeanor subject to the punishment of a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both the fine and imprisonment.

This bill would increase the punishment of a violation of the prohibition against taking an endangered, threatened, or candidate species to a fine of not less than \$25,000 or more than \$50,000, imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill would require $\frac{1}{2}$ of any fine or forfeiture imposed for a violation of the take prohibition or any other law of the act to be deposited in the county treasury of the county in which the violation occurred and would require the other $\frac{1}{2}$ to be deposited in the Endangered Species Permitting Account.

(3) The California Seed Law regulates seed sold in California, and prohibits a city, county, or district from adopting or enforcing an ordinance that regulates plants, crops, or seeds without the consent of the Secretary of Food and Agriculture. The California Seed Law also requires the Department of Food and Agriculture to develop and maintain a list of invasive pests, as defined and which includes certain

plants and seeds, that have a reasonable likelihood of entering California for which action by the state might be appropriate, as specified.

This bill would delete the provision prohibiting the adoption or enforcement of an ordinance that regulates plants, crops, or seeds without the secretary's consent. The bill would also state that the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the secretary.

(4) Existing law imposes a uniform oil spill response fee on specified persons, except specified independent crude oil producers, owning petroleum products and on pipeline operators transporting petroleum products into the state by means of a pipeline operating across, under, or through the marine waters of the state, during any period that the Oil Spill Response Trust Fund contains less than a designated amount. Existing law, until June 30, 2017, provides that if a loan or other transfer of money from the fund to the General Fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator for oil spill response is not required to resume collection of the oil spill response fee if the annual Budget Act requires the transfer or loan to be repaid to the fund with interest calculated at a rate earned by the Pooled Money Investment Account and on or before June 30, 2017.

This bill would extend that date to June 30, 2019. The bill would additionally provide that if a loan or other transfer of money from the fund to a special fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator is not required to resume collection of the oil spill response fee. The bill would make these provisions inoperative on July 1, 2019.

(5) Existing law establishes the California Environmental Protection Agency under the supervision of the Secretary for Environmental Protection, and requires the agency, among other things, to identify disadvantaged communities for certain investment opportunities based on geographic, socioeconomic, public health, and environmental hazard criteria, as specified. Existing law requires the secretary's deputy secretary for law enforcement and counsel to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist boards, departments, offices, or other agencies that implement a law or regulation within the jurisdiction of the agency, as specified.

This bill would require each board, department, or office within the California Environmental Protection Agency to participate and have representatives in the cross-media enforcement unit. The bill would

require the unit to undertake activities consistent with specified environmental justice policies and focus its activities in disadvantaged communities, as specified.

(6) Existing law requires the Department of Toxic Substances Control to adopt, and revise as necessary, regulations establishing management standards for treated wood waste. Existing law makes these, and other requirements regarding treated wood waste, inoperative on December 31, 2020. Existing law requires the department, on or before January 1, 2018, to prepare, post on its Internet Web site, and provide to the appropriate policy committees of the Legislature, a comprehensive report with specified content on the compliance with, and implementation of, these laws relating to treated wood waste.

This bill would extend to July 1, 2018, the time by which the department is to prepare, post on its Internet Web site, and provide the appropriate policy committees of the Legislature the comprehensive report.

Existing law requires the department to suspend the permit of a hazardous waste facility for nonpayment of a specified facility fee or activity fee if the operator of the facility is subject to the fee and if the State Board of Equalization has certified that certain circumstances exist.

This bill would allow the department, in addition to the State Board of Equalization, to certify the existence of those circumstances, and would include within the circumstances that the department or the State Board of Equalization has notified the facility's operator of the delinquency and that the operator has exhausted certain administrative rights of appeal or dispute resolution procedures, as specified.

Existing law provides a person who applies for, or requests, specified hazardous waste permits, variances, or waste classification determinations with the option of paying a flat fee or entering into a reimbursement agreement to reimburse the department for costs incurred in processing the application or response to the request. Existing law authorizes a reimbursement agreement to include costs incurred by the department in reviewing and overseeing corrective action but prohibits the department from assessing a fee or seeking reimbursement for reviewing and overseeing preliminary site assessment in conjunction with a hazardous waste facilities permit application.

This bill would eliminate the flat fee option. The bill would additionally require the reimbursement agreement to provide for the reimbursement of the costs incurred by the department in reviewing

and overseeing corrective action and would require an applicant and the owner and the operator of the facility to pay these costs and to pay all costs incurred by the department to comply with the California Environmental Quality Act. The bill would repeal the prohibition on the department assessing a fee or seeking reimbursement for reviewing and overseeing a preliminary site assessment in conjunction with a hazardous waste facilities permit application. The bill would require at least 25% of the agreed-upon reimbursement to be made in advance, based on the department's total estimated costs of processing the application or response to the request. The bill would apply these revised fee provisions to applications and requests submitted to the department on or after April 1, 2016.

Under existing law, if a facility's permit or interim status document sets forth the facility's allowable capacity for treatment or storage, the annual facility fee is based upon that capacity, and the department may require the facility to submit an application to modify the permit to provide for an allowable capacity. Under existing law, if a facility's permit or interim status document does not set forth its type, that type is presumed for purposes of setting fees, and the department is authorized to require the facility to submit an application to modify the permit or interim status document to provide for a facility type. Existing law exempts these applications from the requirement to either pay a flat fee or enter into a reimbursement agreement.

This bill would subject these applications for modification to the above-described reimbursement requirement.

Existing law requires specified fees, including the flat fee and the fee paid under the reimbursement agreement, as applicable, to be administered and collected by the State Board of Equalization in accordance with the Hazardous Substance Tax Law.

This bill would provide that the fees, as revised above, shall instead be administered and collected by the department.

This bill would make conforming changes and delete obsolete provisions pertaining to the state's hazardous waste programs.

Existing law requires the department to adopt regulations to establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. Existing law requires the regulations adopted to specify the range of regulatory responses that the department may take following the completion of the alternatives analysis. Under its regulatory authority, the department

has adopted the 2015–17 Priority Product Work Plan, which describes categories from which the department will select priority products for which safer alternatives are to be evaluated.

This bill would require the department to revise the 2015–17 Priority Product Work Plan to include lead acid batteries for consideration and evaluation as a potential priority products.

(7) Existing law, the Environmental Laboratory Accreditation Act, requires certain laboratories that conduct analyses of environmental samples for regulatory purposes to obtain a certificate of accreditation from the State Water Resources Control Board. The act requires an accredited laboratory to report, in a timely fashion and in accordance with the request for analysis, the full and complete results of all detected contaminants and pollutants to the person or entity that submitted the material for testing. The act authorizes the board to adopt regulations to establish reporting requirements, establish the accreditation procedures, recognize the accreditation of laboratories located outside California, and collect laboratory accreditation fees. The act requires that fees collected for laboratory accreditation be adjusted annually, as specified. The act requires fees and civil penalties collected under the act to be deposited in the Environmental Laboratory Improvement Fund and that moneys in the fund be available for expenditure by the board, upon appropriation by the Legislature, for the purposes of the act.

This bill would require the board to adopt, by emergency regulations, a schedule of fees to recover costs incurred for the accreditation of environmental laboratories in an amount sufficient to recover all reasonable regulatory costs incurred for the purposes of the act, as prescribed. This bill would require the board to review and revise the fees, as necessary, each fiscal year.

Existing law, until January 1, 2017, requires, among other things, any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors that resulted in illness to electronically report specified information in its possession on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of Environmental Health Hazard Assessment and the State Department of Public Health on an ongoing basis, as specified.

This bill would extend the repeal date of these provisions to January 1, 2019.

(8) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state. The act, on and after July 1, 2016, requires the board to adopt, by regulation, a fee schedule, to be paid annually by each public water system for the purpose of reimbursing the board for specified activities. The act requires funds received by the board for the purposes of the act to be deposited into the Safe Drinking Water Account and provides that the moneys in the account are available, upon appropriation by the Legislature, for the administration of the act. The act prohibits the total amount of funds received for state operations program costs to administer the act for fiscal year 2016–17 from exceeding \$30,450,000.

This bill would raise that limit to \$38,907,000.

Existing law requires the board to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the act, and to enforce provisions of the federal Safe Drinking Water Act. Existing law authorizes the board to order physical or operational consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. Existing law defines a disadvantaged community for the purpose of these provisions as a community with an annual median household income that is less than 80% of the statewide annual median income and that is in an unincorporated area or is served by a mutual water company.

This bill would revise the definition of disadvantaged community to include a community with an annual median household income that is less than 80% of the statewide annual median income that is served by a small public water system, as defined.

(9) Existing law authorizes the Department of Water Resources, subject to available funding and in coordination with the Department of Fish and Wildlife, to undertake specified restoration efforts at the Salton Sea.

This bill would authorize the Department of Water Resources to use design-build procurement for projects at the Salton Sea.

Existing law requires either the Director of General Services or the Secretary of the Department of Corrections and Rehabilitation to notify

the State Public Works Board regarding the method to be used for selecting a design-build entity, prior to advertising a design-build project.

This bill would, for purposes of projects at the Salton Sea, instead require the Director of Water Resources to notify the California Water Commission regarding the method to be used for selecting a design-build entry, prior to advertising design-build project.

(10) Existing law creates the Timber Regulation and Forest Restoration Fund in the State Treasury and requires that specified revenues received from a lumber or engineered wood products assessment, less amounts deducted for refunds and reimbursements, be deposited in the fund and, upon appropriation by the Legislature, used for specified purposes relating to forest management and restoration, in accordance with specified priorities.

This bill would authorize the Natural Resources Agency to use moneys in the fund, upon appropriation by the Legislature and only after certain of those specified priorities are funded, to provide a reasonable per diem for attendance at a meeting of the advisory body for the state's forest practice program by a member of the body who is not an employee of a government agency.

(11) Existing law establishes the State Energy Resources Conservation and Development Commission (Energy Commission) in the Natural Resources Agency, and specifies the powers and duties of the Energy Commission with respect to energy resources in the state. Existing law requires the Public Utilities Commission to adopt rules and procedures governing the operation, maintenance, repair, and replacement of gas pipeline facilities that it regulates and that are intrastate transmission and distribution lines to, among other things, reduce emissions of natural gas from those facilities to the maximum extent feasible to advance the state's goals in reducing emissions of greenhouse gases.

This bill would require the Energy Commission, by September 15, 2017, and in consultation with certain entities, to report to the respective budget committees of each house of the Legislature on the resources needed to develop a plan for tracking natural gas, and a recommendation for developing the plan, considering cost-effectiveness and efficacy. The bill would require the State Air Resources Board, in consultation with the Energy Commission to develop a model of fugitive and vented emissions of methane from natural gas infrastructure, as specified.

~~(12) The Bagley-Keene Open Meeting Act, with specified exceptions, requires that meetings of a state body be open and public and that all persons be permitted to attend.~~

~~Existing law establishes the Strategic Growth Council and requires the council, among other things, to identify and review the activities and funding programs of member state agencies that may be coordinated to improve air and water quality. Existing law also requires the council's meetings to be open to the public and subject to the Bagley-Keene Open Meeting Act, but exempts from that requirement meetings at which council staff and member agency staff are meeting to discuss, but not take final action on, specified matters.~~

~~This bill would exempt meetings at which council members, council staff, and member agency staff are meeting to discuss, but not take final action on, those specified matters.~~

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~(13)~~

~~(12) Existing law authorizes the issuance of environmental license plates, also referred to as personalized license plates, upon application of the registered owner or lessee of a vehicle. Existing law imposes a fee, in addition to the regular registration fee, of \$48 for the issuance of, and \$38 for the renewal, retention, transfer, or duplication of, the environmental license plates. Existing law requires that all revenue derived from these fees be deposited in the California Environmental License Plate Fund to be used, upon appropriation by the Legislature, for specified trust purposes.~~

~~This bill would, commencing January 1, 2017, increase to \$43 the fee for the renewal, retention, transfer, or duplication of environmental license plates. The bill would, commencing July 1, 2017, increase to \$53 the fee for the issuance of environmental license plates.~~

~~(14)~~

~~(13) Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law allows a person to apply for, and the board to issue, a temporary permit for diversion and use of water, subject to certain restrictions. Existing law allows a~~

permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use to petition for, and the board to issue, a temporary change order, subject to certain restrictions. Existing law provides that the authorization for a temporary permit or a temporary change order automatically expires 180 days after the date the authorization takes effect and that the 180-day period does not include any time required for monitoring, reporting, or mitigation before or after the authorization to divert or use water under the temporary permit or temporary change order.

This bill would provide that if the temporary permit or temporary change order authorizes diversion to storage, the 180-day period is a limitation on the authorization to divert and not a limitation on the authorization for beneficial use of water diverted to storage.

Under existing law, the board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program established by the federal Clean Water Act, and the Porter-Cologne Water Quality Control Act (the act). The act establishes 9 regions, each governed by a California regional water quality control board comprised of 7 members appointed by the Governor, with prescribed experience or associations. Existing law requires that each member of a regional board receive \$100 for each day that member is engaged in the performance of official duties, except that a member is not entitled to compensation if the member otherwise receives compensation from other sources for performing those duties. Existing law prohibits the total compensation received by members of each regional board from exceeding, in any one fiscal year, the sum of \$13,500.

This bill would require that each member of a regional board receive \$250 for each day during which that member is engaged in the performance of official duties, without regard to compensation from other sources, and would specify that the performance of official duties includes reviewing agenda materials for no more than one day in preparation for each regional board meeting. This bill would prohibit the total compensation received by members of all of the regional boards from exceeding the sum of \$378,250 in any one fiscal year.

~~(15)~~

(14) Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the

issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The act requires each state agency that receives an appropriation from the funding made available by the act to administer a competitive grant or loan program under the act's provisions to develop and adopt project solicitation and evaluation guidelines before disbursing the grants or loans. The act requires the Secretary of the Natural Resources Agency to publish and post on the Natural Resources Agency's Internet Web site specified information in order to facilitate oversight of funding and projects. The act requires each state agency that receives an appropriation of funding made available by the act to be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state's bond accountability Internet Web site. Existing law requires each state agency that receives an appropriation of funding made available by the act to evaluate the outcomes of projects, report this evaluation on the state's bond accountability Internet Web site, and to hold a grantee of funds accountable for completing projects funded by the act on time and within scope.

This bill, on or before January 10, 2017, and annually on or before each January 10 thereafter, would require the Natural Resources Agency to submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst's Office a report that contains certain information relating to the act for the previous fiscal year. The bill would repeal this reporting requirement on January 1, 2022.

Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions and empowers the Governor to proclaim a state of emergency for certain conditions, including drought. During a state of emergency, existing law authorizes the Governor to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. Pursuant to this authority, the Governor proclaimed a state of emergency, and a continued state of emergency, due to drought conditions and suspended certain statutes.

This bill would require the Natural Resources Agency, on or before January 1, 2020, to submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst's Office a report

summarizing lessons learned from the state's response to the drought and would require the report to compile information from various state entities responsible for drought response activities.

~~(16)~~

(15) Existing law appropriates \$3,750,000 on an annual basis only from fee revenue in the Water Rights Fund to the State Water resources Control Board for the purpose of funding 25 permanent water enforcement right positions.

This bill would limit that appropriation in a specific manner.

~~(17)~~

(16) This bill would appropriate \$230,000 from the Timber Regulation and Forest Restoration Fund to the Secretary of the Natural Resources Agency to provide public process and scientific expertise and per diem payments to nongovernmental participants of Timber Regulation and Forest Restoration Program working groups.

(17) *This bill would incorporate additional changes to Section 1602 of the Fish and Game Code proposed by AB 1609 and SB 837, that would become operative if this bill and one or both of those bills are enacted and this bill is chaptered last.*

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(19) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1602 of the Fish and Game Code is
- 2 amended to read:
- 3 1602. (a) An entity shall not substantially divert or obstruct
- 4 the natural flow of, or substantially change or use any material
- 5 from the bed, channel, or bank of, any river, stream, or lake, or
- 6 deposit or dispose of debris, waste, or other material containing
- 7 crumbled, flaked, or ground pavement where it may pass into any
- 8 river, stream, or lake, unless all of the following occur:

1 (1) The department receives written notification regarding the
2 activity in the manner prescribed by the department. The
3 notification shall include, but is not limited to, all of the following:

4 (A) A detailed description of the project's location and a map.

5 (B) The name, if any, of the river, stream, or lake affected.

6 (C) A detailed project description, including, but not limited to,
7 construction plans and drawings, if applicable.

8 (D) A copy of any document prepared pursuant to Division 13
9 (commencing with Section 21000) of the Public Resources Code.

10 (E) A copy of any other applicable local, state, or federal permit
11 or agreement already issued.

12 (F) Any other information required by the department.

13 (2) The department determines the notification is complete in
14 accordance with Chapter 4.5 (commencing with Section 65920)
15 of Division 1 of Title 7 of the Government Code, irrespective of
16 whether the activity constitutes a development project for the
17 purposes of that chapter.

18 (3) The entity pays the applicable fees, pursuant to Section 1609.

19 (4) One of the following occurs:

20 (A) (i) The department informs the entity, in writing, that the
21 activity will not substantially adversely affect an existing fish or
22 wildlife resource, and that the entity may commence the activity
23 without an agreement, if the entity conducts the activity as
24 described in the notification, including any measures in the
25 notification that are intended to protect fish and wildlife resources.

26 (ii) Each region of the department shall log the notifications of
27 activities where no agreement is required. The log shall list the
28 date the notification was received by the department, a brief
29 description of the proposed activity, and the location of the activity.
30 Each item shall remain on the log for one year. Upon written
31 request by any person, a regional office shall send the log to that
32 person monthly for one year. A request made pursuant to this
33 clause may be renewed annually.

34 (B) The department determines that the activity may
35 substantially adversely affect an existing fish or wildlife resource
36 and issues a final agreement to the entity that includes reasonable
37 measures necessary to protect the resource, and the entity conducts
38 the activity in accordance with the agreement.

1 (C) A panel of arbitrators issues a final agreement to the entity
2 in accordance with subdivision (b) of Section 1603, and the entity
3 conducts the activity in accordance with the agreement.

4 (D) The department does not issue a draft agreement to the
5 entity within 60 days from the date notification is complete, and
6 the entity conducts the activity as described in the notification,
7 including any measures in the notification that are intended to
8 protect fish and wildlife resources.

9 (b) (1) If an activity involves the routine maintenance and
10 operation of water supply, drainage, flood control, or waste
11 treatment and disposal facilities, notice to and agreement with the
12 department shall not be required after the initial notification and
13 agreement, unless the department determines either of the
14 following:

15 (A) The work described in the agreement has substantially
16 changed.

17 (B) Conditions affecting fish and wildlife resources have
18 substantially changed, and those resources are adversely affected
19 by the activity conducted under the agreement.

20 (2) This subdivision applies only if notice to, and agreement
21 with, the department was attained prior to January 1, 1977, and
22 the department has been provided a copy of the agreement or other
23 proof of the existence of the agreement that satisfies the
24 department, if requested.

25 (c) Notwithstanding subdivision (a), the department is not
26 required to determine whether the notification is complete or
27 otherwise process the notification until the department has received
28 the applicable fees.

29 (d) It is unlawful for any entity to violate this chapter.

30 *SEC. 1.5. Section 1602 of the Fish and Game Code is amended*
31 *to read:*

32 1602. (a) An entity ~~may~~ *shall* not substantially divert or
33 obstruct the natural flow of, or substantially change or use any
34 material from the bed, channel, or bank of, any river, stream, or
35 lake, or deposit or dispose of debris, waste, or other material
36 containing crumbled, flaked, or ground pavement where it may
37 pass into any river, stream, or lake, unless all of the following
38 occur:

1 (1) The department receives written notification regarding the
2 activity in the manner prescribed by the department. The
3 notification shall include, but is not limited to, all of the following:

4 (A) A detailed description of the project's location and a map.

5 (B) The name, if any, of the river, stream, or lake affected.

6 (C) A detailed project description, including, but not limited to,
7 construction plans and drawings, if applicable.

8 (D) A copy of any document prepared pursuant to Division 13
9 (commencing with Section 21000) of the Public Resources Code.

10 (E) A copy of any other applicable local, state, or federal permit
11 or agreement already issued.

12 (F) Any other information required by the department.

13 (2) The department determines the notification is complete in
14 accordance with Chapter 4.5 (commencing with Section 65920)
15 of Division 1 of Title 7 of the Government Code, irrespective of
16 whether the activity constitutes a development project for the
17 purposes of that chapter.

18 (3) The entity pays the applicable fees, pursuant to Section 1609.

19 (4) One of the following occurs:

20 ~~(A)~~

21 ~~(i)~~

22 (A) (i) The department informs the entity, in writing, that the
23 activity will not substantially adversely affect an existing fish or
24 wildlife resource, and that the entity may commence the activity
25 without an agreement, if the entity conducts the activity as
26 described in the notification, including any measures in the
27 notification that are intended to protect fish and wildlife resources.

28 (ii) Each region of the department shall log the notifications of
29 activities where no agreement is required. The log shall list the
30 date the notification was received by the department, a brief
31 description of the proposed activity, and the location of the activity.
32 Each item shall remain on the log for one year. Upon written
33 request by any person, a regional office shall send the log to that
34 person monthly for one year. A request made pursuant to this
35 clause may be renewed annually.

36 (B) The department determines that the activity may
37 substantially adversely affect an existing fish or wildlife resource
38 and issues a final agreement to the entity that includes reasonable
39 measures necessary to protect the resource, and the entity conducts
40 the activity in accordance with the agreement.

1 (C) A panel of arbitrators issues a final agreement to the entity
2 in accordance with subdivision (b) of Section 1603, and the entity
3 conducts the activity in accordance with the agreement.

4 (D) The department does not issue a draft agreement to the
5 entity within 60 days from the date notification is complete, and
6 the entity conducts the activity as described in the notification,
7 including any measures in the notification that are intended to
8 protect fish and wildlife resources.

9 (b) (1) If an activity involves the routine maintenance and
10 operation of water supply, drainage, flood control, or waste
11 treatment and disposal facilities, notice to and agreement with the
12 department shall not be required after the initial notification and
13 agreement, unless the department determines either of the
14 following:

15 (A) The work described in the agreement has substantially
16 changed.

17 (B) Conditions affecting fish and wildlife resources have
18 substantially changed, and those resources are adversely affected
19 by the activity conducted under the agreement.

20 (2) This subdivision applies only if notice to, and agreement
21 with, the department was attained prior to January 1, 1977, and
22 the department has been provided a copy of the agreement or other
23 proof of the existence of the agreement that satisfies the
24 department, if requested.

25 (c) *Notwithstanding subdivision (a), the department is not*
26 *required to determine whether the notification is complete or*
27 *otherwise process the notification until the department has received*
28 *the applicable fees.*

29 (d) (1) *Notwithstanding subdivision (a), an entity shall not be*
30 *required to obtain an agreement with the department pursuant to*
31 *this chapter for activities authorized by a license or renewed*
32 *license for cannabis cultivation issued by the Department of Food*
33 *and Agriculture for the term of the license or renewed license if*
34 *all of the following occur:*

35 (A) *The entity submits all of the following to the department:*

36 (i) *The written notification described in paragraph (1) of*
37 *subdivision (a).*

38 (ii) *A copy of the license or renewed license for cannabis*
39 *cultivation issued by the Department of Food and Agriculture that*

1 includes the requirements specified in subdivisions (d), (e), and
2 (f) of Section 19332.2 of the Business and Professions Code.

3 (iii) The fee specified in paragraph (3) of subdivision (a).

4 (B) The department determines in its sole discretion that
5 compliance with the requirements specified in subdivisions (d),
6 (e), and (f) of Section 19332.2 of the Business and Professions
7 Code that are included in the license will adequately protect
8 existing fish and wildlife resources that may be substantially
9 adversely affected by the cultivation without the need for additional
10 measures that the department would include in a draft streambed
11 alteration agreement in accordance with Section 1603.

12 (C) The department notifies the entity in writing that the
13 exemption applies to the cultivation authorized by the license or
14 renewed license.

15 (2) The department shall notify the entity in writing whether the
16 exemption in paragraph (1) applies to the cultivation authorized
17 by the license or renewed license within 60 days from the date that
18 the notification is complete and the fee has been paid.

19 (3) If an entity receives an exemption pursuant to this
20 subdivision and fails to comply with any of the requirements
21 described in subdivision (d), (e), or (f) of Section 19332.2 of the
22 Business and Professions Code that are included in the license,
23 the failure shall constitute a violation under this section, and the
24 department shall notify the Department of Food and Agriculture
25 of any enforcement action taken.

26 (e)

27 (e) It is unlawful for any ~~person~~ entity to violate this chapter.

28 SEC. 2. Section 1609 of the Fish and Game Code is amended
29 to read:

30 1609. (a) The department may establish a graduated schedule
31 of fees to be charged to any entity subject to this chapter. The fees
32 charged shall be established in an amount necessary to pay the
33 total costs incurred by the department in administering and
34 enforcing this chapter, including, but not limited to, preparing and
35 submitting agreements and conducting inspections. The department
36 shall annually adjust the fees pursuant to Section 713. Fees received
37 pursuant to this section shall be deposited in the Fish and Game
38 Preservation Fund.

1 (b) (1) The fee schedule established pursuant to subdivision
2 (a) shall not include a fee that exceeds five thousand dollars
3 (\$5,000) for any single project.

4 (2) The fee limitation described in paragraph (1) does not apply
5 to any project included in any agreement issued pursuant to
6 subdivision (g) of Section 1605.

7 SEC. 3. Section 1610 of the Fish and Game Code is amended
8 to read:

9 1610. (a) Except as provided in subdivision (b), this chapter
10 does not apply to any of the following:

11 (1) Immediate emergency work necessary to protect life or
12 property.

13 (2) Immediate emergency repairs to public service facilities
14 necessary to maintain service as a result of a disaster in an area in
15 which a state of emergency has been proclaimed by the Governor
16 pursuant to Chapter 7 (commencing with Section 8550) of Division
17 1 of Title 2 of the Government Code.

18 (3) Emergency projects undertaken, carried out, or approved
19 by a state or local governmental agency to maintain, repair, or
20 restore an existing highway, as defined in Section 360 of the
21 Vehicle Code, within the existing right-of-way of the highway,
22 that has been damaged as a result of fire, flood, storm, earthquake,
23 land subsidence, gradual earth movement, or landslide, within one
24 year of the damage. Work needed in the vicinity above and below
25 a highway may be conducted outside of the existing right-of-way
26 if it is needed to stop ongoing or recurring mudslides, landslides,
27 or erosion that pose an immediate threat to the highway, or to
28 restore those roadways damaged by mudslides, landslides, or
29 erosion to their predamage condition and functionality. This
30 paragraph does not exempt from this chapter any project
31 undertaken, carried out, or approved by a state or local
32 governmental agency to expand or widen a highway damaged by
33 fire, flood, storm, earthquake, land subsidence, gradual earth
34 movement, or landslide. The exception provided in this paragraph
35 does not apply to a highway designated as an official state scenic
36 highway pursuant to Section 262 of the Streets and Highways
37 Code.

38 (b) The entity performing the emergency work described in
39 subdivision (a) shall notify the department of the work, in writing,
40 within 14 days of beginning the work. Any work described in the

1 emergency notification that does not meet the criteria for the
2 emergency work described in subdivision (a) is a violation of this
3 chapter if the entity did not first notify the department in
4 accordance with Section 1602 or 1611.

5 SEC. 4. Section 1613 of the Fish and Game Code is amended
6 to read:

7 1613. If, after receiving a notification, but before the
8 department executes a final agreement, the department informs
9 the entity, in writing, that the activity described in the notification,
10 or any activity or conduct by the entity directly related thereto,
11 violates any provision of this code or the regulations that implement
12 the code, the department may suspend processing the notification,
13 and subparagraph (D) of paragraph (4) of subdivision (a) of Section
14 1602 and the timelines specified in Section 1603 do not apply.
15 This section ceases to apply if any of the following occurs:

16 (a) The department determines that the violation has been
17 remedied.

18 (b) Legal action to prosecute the violation is not filed within
19 the applicable statute of limitations.

20 (c) Legal action to prosecute the violation has been terminated.

21 SEC. 5. Section 1615 of the Fish and Game Code is amended
22 to read:

23 1615. (a) An entity that violates this chapter is subject to a
24 civil penalty of not more than twenty-five thousand dollars
25 (\$25,000) for each violation.

26 (b) The civil penalty imposed pursuant to subdivision (a) is
27 separate from, and in addition to, any other civil penalty imposed
28 pursuant to this section or any other provision of the law.

29 (c) In determining the amount of any civil penalty imposed
30 pursuant to this section, the court shall take into consideration all
31 relevant circumstances, including, but not limited to, the nature,
32 circumstance, extent, and gravity of the violation. In making this
33 determination, the court may consider the degree of toxicity and
34 volume of the discharge, the extent of harm caused by the violation,
35 whether the effects of the violation may be reversed or mitigated,
36 and, with respect to the defendant, the ability to pay, the effect of
37 any civil penalty on the ability to continue in business, any
38 voluntary cleanup efforts undertaken, any prior history of
39 violations, the gravity of the behavior, the economic benefit, if

1 any, resulting from the violation, and any other matters the court
2 determines that justice may require.

3 (d) Every civil action brought under this section shall be brought
4 by the Attorney General upon complaint by the department, or by
5 the district attorney or city attorney in the name of the people of
6 the State of California, and any actions relating to the same
7 violation may be joined or consolidated.

8 (e) (1) In any civil action brought pursuant to this chapter in
9 which a temporary restraining order, preliminary injunction, or
10 permanent injunction is sought, it is not necessary to allege or
11 prove at any stage of the proceeding any of the following:

12 (A) That irreparable damage will occur if the temporary
13 restraining order, preliminary injunction, or permanent injunction
14 is not issued.

15 (B) That the remedy at law is inadequate.

16 (2) The court shall issue a temporary restraining order,
17 preliminary injunction, or permanent injunction in a civil action
18 brought pursuant to this chapter without the allegations and without
19 the proof specified in paragraph (1).

20 (f) All civil penalties collected pursuant to this section shall not
21 be considered fines or forfeitures as defined in Section 13003, and
22 shall be apportioned in the following manner:

23 (1) Fifty percent shall be distributed to the county treasurer of
24 the county in which the action is prosecuted. Amounts paid to the
25 county treasurer shall be deposited in the county fish and wildlife
26 propagation fund established pursuant to Section 13100.

27 (2) Fifty percent shall be distributed to the department for
28 deposit in the Fish and Game Preservation Fund. These funds may
29 be expended to cover the costs of any legal actions or for any other
30 law enforcement purpose consistent with Section 9 of Article XVI
31 of the California Constitution.

32 SEC. 6. Section 2081.2 is added to the Fish and Game Code,
33 to read:

34 2081.2. (a) For the purposes of this section, the following
35 terms have the following meanings:

36 (1) "Permit" means any authorization issued by the department
37 pursuant to this article to take a species listed by this chapter as
38 candidate, threatened, or endangered.

39 (2) "Permittee" includes any individual, firm, association,
40 organization, partnership, business, trust, corporation, limited

1 liability company, district, city, county, city and county, town,
2 federal agency, and the state who applies for or who has received
3 a permit pursuant to this article.

4 (3) “Project” has the same meaning as defined in Section 21065
5 of the Public Resources Code.

6 (4) “Project cost” means the total direct and indirect project
7 expenses that include, but are not limited to, labor, equipment,
8 permanent materials and supplies, subcontracts, permits and
9 licenses, overhead, and miscellaneous costs.

10 (5) “Voluntary habitat restoration project” means a project that
11 meets both of the following requirements:

12 (A) The project’s primary purpose is voluntary habitat
13 restoration and the project may have other environmental benefits,
14 and the project is not required as mitigation due to a regulatory
15 action.

16 (B) The project is not part of a regulatory settlement, a
17 regulatory enforcement action, or a court order.

18 (b) (1) The department shall collect a permit application fee
19 for processing a permit application submitted pursuant to this
20 article at the time the permit application is submitted to the
21 department. Notwithstanding Section 2098, upon appropriation to
22 the department from the Endangered Species Permitting Account,
23 the department shall use the permit application fee to pay for all
24 or a portion of the department’s cost of processing permit
25 applications, permit development, and compliance monitoring
26 pursuant to this article.

27 (2) This subdivision does not apply to any of the following:

28 (A) Activities or costs associated with the review of projects,
29 inspection and oversight of projects, and permits necessary to
30 conduct timber operations, as defined in Section 4527 of the Public
31 Resources Code, in accordance with Article 9.5 (commencing with
32 Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public
33 Resources Code.

34 (B) Permits or memoranda of understanding authorized by
35 subdivision (a) of Section 2081.

36 (C) Permits for voluntary habitat restoration projects.

37 (c) The department shall assess the permit application fee as
38 follows, subject to subdivision (f):

1 (1) For a project, regardless of estimated project cost, that is
2 subject only to Section 2080.1, 2080.3, or 2080.4, the department
3 shall assess either of the following amounts:

4 (A) Seven thousand five hundred dollars (\$7,500).

5 (B) Six thousand dollars (\$6,000), if the project uses a
6 department-approved conservation or mitigation bank to fulfill
7 mitigation obligations pursuant to this article.

8 (2) For a project where the estimated project cost is less than
9 one hundred thousand dollars (\$100,000), the department shall
10 assess either of the following amounts:

11 (A) Seven thousand five hundred dollars (\$7,500).

12 (B) Six thousand dollars (\$6,000), if the project uses a
13 department-approved conservation or mitigation bank to fulfill
14 mitigation obligations pursuant to this article.

15 (3) For a project where the estimated project cost is one hundred
16 thousand dollars (\$100,000) or more but less than five hundred
17 thousand dollars (\$500,000), the department shall assess either of
18 the following amounts:

19 (A) Fifteen thousand dollars (\$15,000).

20 (B) Twelve thousand dollars (\$12,000), if the project uses a
21 department-approved conservation or mitigation bank to fulfill
22 mitigation obligations pursuant to this article.

23 (4) For a project where the estimated project cost is five hundred
24 thousand dollars (\$500,000) or more, the department shall assess
25 either of the following amounts:

26 (A) Thirty thousand dollars (\$30,000).

27 (B) Twenty-four thousand dollars (\$24,000), if the project uses
28 a department-approved conservation or mitigation bank to fulfill
29 mitigation obligations pursuant to this article.

30 (5) The department shall collect a fee of seven thousand five
31 hundred dollars (\$7,500) for processing permit amendments that
32 the department has determined are minor as defined in regulation
33 or fifteen thousand dollars (\$15,000) for processing permit
34 amendments that the department has determined are major as
35 defined in regulation.

36 (d) (1) If the permit or amendment application fee paid pursuant
37 to subdivision (c) is determined by the department to be insufficient
38 to complete permitting work due to the complexity of a project or
39 the potential effects of a project, the department shall collect an
40 additional fee of up to ten thousand dollars (\$10,000) from the

1 permittee to pay for its estimated costs. Upon its determination,
2 the department shall notify the permittee of the reasons why an
3 additional fee is necessary and the estimated amount of the
4 additional fee.

5 (2) The additional fee collected pursuant to paragraph (1) shall
6 not exceed an amount that, when added to the fee paid pursuant
7 to subdivision (c), equals thirty-five thousand dollars (\$35,000).
8 The department shall collect the additional fee before a final
9 decision on the application by the department.

10 (e) (1) For an application submitted to the department pursuant
11 to this article on or after the effective date of this section, the
12 department shall collect the permit application fee at the time the
13 permit application is submitted. The department shall not deem
14 the application complete until it has collected the permit application
15 fee. A permit application submitted or deemed complete prior to
16 the effective date of this section shall not be subject to fees
17 established pursuant to this section.

18 (2) If a permit or amendment application is withdrawn within
19 30 days after paying the permit or amendment application fee, the
20 department shall refund any unused portion of the fee to the
21 permittee.

22 (3) If a permit or amendment application is withdrawn after 30
23 days of paying the permit or amendment application fee, the
24 department shall not refund any portion of the fee to the permittee.

25 (f) (1) The department shall adjust the fees in this section
26 pursuant to Section 713.

27 (2) The Legislature finds that all revenues generated under this
28 section and used for the purposes for which they were imposed
29 are not subject to Article XIII B of the California Constitution.

30 (3) The department, at least every five years, shall analyze
31 application fees pursuant to Section 713 to ensure the appropriate
32 fee amounts are charged.

33 (g) Fees paid to the department pursuant to this section shall be
34 deposited in the Endangered Species Permitting Account, which
35 is hereby established in the Fish and Game Preservation Fund.
36 Notwithstanding Section 2098, funds in the account shall be
37 available to the department, upon appropriation by the Legislature,
38 for the purposes of administering and implementing this chapter,
39 except that fee moneys collected pursuant to this section shall only
40 be used for the purposes of this article.

1 SEC. 7. Section 2942 of the Fish and Game Code is amended
2 to read:

3 2942. (a) (1) The secretary, in consultation and coordination
4 with the authority, shall lead the Salton Sea restoration efforts that
5 shall include all of the following:

6 (A) Early start habitat demonstration projects.

7 (B) Biological investigations relating to the restoration of the
8 Salton Sea.

9 (C) Investigations of water quality, sedimentation, and inflows
10 relating to the restoration of the Salton Sea.

11 (D) Air quality investigations, in consultation and coordination
12 with local and regional air quality agencies, relating to the
13 restoration of the Salton Sea.

14 (E) Geotechnical investigations relating to the restoration of the
15 Salton Sea.

16 (F) Financial assistance grant programs to support restoration
17 activities of local stakeholders.

18 (2) Nothing in this article shall alter any state responsibility
19 under the Quantification Settlement Agreement or the state's
20 authority to carry out any responsibility under the Quantification
21 Settlement Agreement.

22 (3) (A) To the extent that funding is appropriated to the
23 department for Salton Sea restoration activities, the Department
24 of Water Resources, in coordination and under agreement with the
25 department, may undertake restoration efforts identified in this
26 subdivision.

27 (B) The department and the Department of Water Resources
28 shall do all of the following for the Salton Sea Species
29 Conservation Habitat Project:

30 (i) Immediately make available relevant information relating to
31 the factors that influence the cost and size of the alternatives
32 discussed in the environmental impact report or environmental
33 impact statement for the species habitat conservation program.

34 (ii) Release all available detail on a final project design
35 immediately, or upon final determination of a least environmentally
36 damaging preferred alternative by the United States Army Corps
37 of Engineers. Details of a final project design shall include location,
38 configuration, size, and cost.

39 (iii) Immediately make available project evaluation protocols
40 that include the following principles of adaptive management:

1 (I) Goals and objectives of the project.

2 (II) The project design and an operations plan.

3 (III) A monitoring plan that will include metrics that identify
4 benefits to the species.

5 (IV) A performance evaluation based on species population
6 identified through monitoring.

7 (V) A decisionmaking framework to evaluate project
8 performance and guide operations and management changes.

9 (b) (1) The authority may lead a feasibility study, in
10 coordination and under contract with the secretary, to do the
11 following:

12 (A) Investigate access and utility agreements that may contribute
13 to the future funding of restoration activities at the Salton Sea.

14 (B) Analyze all feasible funding sources for restoration program
15 components and activities.

16 (C) Analyze economic development opportunities, including,
17 but not limited to, renewable energy, biofuels, mineral
18 development, and algae production for the purposes of identifying
19 new revenue sources for the Salton Sea restoration efforts.

20 (D) Identify state procurement and royalty sharing opportunities.

21 (E) Review existing long-term plans for restoration of the Salton
22 Sea and recommend to the secretary changes to existing restoration
23 plans. In any review pursuant to this subparagraph, the authority
24 shall consider the impacts of the restoration plan on air quality,
25 fish and wildlife habitat, water quality, and the technical and
26 financial feasibility of the restoration plan and shall consider the
27 impacts on other agencies responsible for air quality, endangered
28 species, and other environmental mitigation requirements for
29 implementation of the Quantification Settlement Agreement.

30 (2) No evaluation, study, review, or other activity pursuant to
31 this article shall delay the planning and implementation of ongoing
32 and planned restoration or mitigation projects, including, but not
33 limited to, the Salton Sea Species Conservation Habitat Project or
34 other measures pursuant to existing state and federal programs and
35 agreements.

36 (c) Notwithstanding any other law, the Department of Water
37 Resources is authorized to use design-build procurement authority
38 for projects constructed at the Salton Sea in accordance with Article
39 6 (commencing with Section 10187) of Chapter 1 of Part 2 of
40 Division 2 of the Public Contract Code.

1 SEC. 8. Section 12008.1 is added to the Fish and Game Code,
2 to read:

3 12008.1. (a) Notwithstanding Section 12002 or 12008, the
4 punishment for any violation of Section 2080 or 2085 is a fine of
5 not less than twenty-five thousand dollars (\$25,000) or more than
6 fifty thousand dollars (\$50,000) for each violation or imprisonment
7 in the county jail for not more than one year, or by both that fine
8 and imprisonment.

9 (b) Notwithstanding any other law, the moneys collected from
10 any fine or forfeiture imposed or collected for violating Chapter
11 1.5 (commencing with Section 2050) of Division 3 shall be
12 deposited as follows:

13 (1) One-half in the Endangered Species Permitting Account
14 established pursuant to Section 2081.2.

15 (2) One-half in the county treasury of the county in which the
16 violation occurred. The board of supervisors shall first use revenues
17 pursuant to this subdivision to reimburse the costs incurred by the
18 district attorney or city attorney in investigating and prosecuting
19 the violation. Any excess revenues may be expended in accordance
20 with Section 13103.

21 SEC. 9. Section 12157 of the Fish and Game Code is amended
22 to read:

23 12157. (a) Except as provided in subdivision (b), the judge
24 before whom any person is tried for a violation of any provision
25 of this code, or regulation adopted pursuant thereto, may, upon
26 the conviction of the person tried, order the forfeiture of any device
27 or apparatus that is designed to be, or is capable of being, used to
28 take birds, mammals, fish, reptiles, or amphibia and that was used
29 in committing the offense charged.

30 (b) The judge shall, if the offense is punishable under Section
31 12008 or 12008.1 of this code or under subdivision (c) of Section
32 597 of the Penal Code, order the forfeiture of any device or
33 apparatus that is used in committing the offense, including, but
34 not limited to, any vehicle that is used or intended for use in
35 delivering, importing, or exporting any unlawfully taken, imported,
36 or purchased species.

37 (c) (1) The judge may, for conviction of a violation of any of
38 the following offenses, order forfeiture of any device or apparatus
39 that is used in committing the offense, including, but not limited
40 to, any vehicle used or intended for use in committing the offense:

1 (A) Section 2000 relating to deer, elk, antelope, feral pigs,
2 European wild boars, black bears, and brown or cinnamon bears.

3 (B) Any offense that involves the sale, purchase, or possession
4 of abalone for commercial purposes.

5 (C) Any offense that involves the sale, purchase, or possession
6 of sturgeon or lobster, pursuant to Section 7370 or 8254.

7 (D) Any offense that involves a violation of Section 12012.

8 (E) A violation of subdivision (b) of Section 12013.

9 (2) In considering an order of forfeiture under this subdivision,
10 the court shall take into consideration the nature, circumstances,
11 extent, and gravity of the prohibited act committed, the degree of
12 culpability of the violator, the property proposed for forfeiture,
13 and other criminal or civil penalties imposed on the violator under
14 other provisions of law for that offense. The court shall impose
15 lesser forfeiture penalties under this subdivision for those acts that
16 have little significant effect upon natural resources or the property
17 of another and greater forfeiture penalties for those acts that may
18 cause serious injury to natural resources or the property of another,
19 as determined by the court. In determining whether or not to order
20 forfeiture of a vehicle, the court shall, in addition to any other
21 relevant factor, consider whether the defendant is the owner of the
22 vehicle and whether the owner of the vehicle had knowledge of
23 the violation.

24 (3) It is the intent of the Legislature that forfeiture not be ordered
25 pursuant to this subdivision for minor or inadvertent violations,
26 as determined by the court.

27 (d) A judge shall not order the forfeiture of a vehicle under this
28 section if there is a community property interest in the vehicle that
29 is owned by a person other than the defendant and the vehicle is
30 the only vehicle available to the defendant's immediate family that
31 may be operated on the highway with a class A, class B, or class
32 C driver's license.

33 (e) Any device or apparatus ordered forfeited shall be sold, used,
34 or destroyed by the department.

35 (f) (1) The proceeds from all sales under this section, after
36 payment of any valid liens on the forfeited property, shall be paid
37 into the Fish and Game Preservation Fund.

38 (2) A lien in which the lienholder is a conspirator is not a valid
39 lien for purposes of this subdivision.

1 (g) The provisions in this section authorizing or requiring a
2 judge to order the forfeiture of a device or apparatus also apply to
3 the judge, referee, or juvenile hearing officer in a juvenile court
4 action brought under Section 258 of the Welfare and Institutions
5 Code.

6 (h) For purposes of this section, a plea of nolo contendere or no
7 contest, or forfeiture of bail, constitutes a conviction.

8 (i) Neither the disposition of the criminal action other than by
9 conviction nor the discretionary refusal of the judge to order
10 forfeiture upon conviction impairs the right of the department to
11 commence proceedings to order the forfeiture of fish nets or traps
12 pursuant to Section 8630.

13 SEC. 10. Section 12159.5 of the Fish and Game Code is
14 amended to read:

15 12159.5. The judge before whom any person is tried for a
16 violation of a provision of this code that prohibits the taking of
17 any endangered species, threatened species, or fully protected bird,
18 mammal, reptile, amphibian, or fish, as specified by Sections 12008
19 and 12008.1, may, in the court's discretion and upon the conviction
20 of that person, order the forfeiture of any proceeds resulting from
21 the taking of the endangered species, threatened species, or fully
22 protected bird, mammal, reptile, amphibian, or fish.

23 SEC. 11. Section 52334 of the Food and Agricultural Code is
24 repealed.

25 SEC. 12. Section 52334 is added to the Food and Agricultural
26 Code, to read:

27 52334. The declaration of a plant, seed, nursery stock, or crop
28 as invasive is a power reserved for the secretary.

29 SEC. 13. Section 8670.48.3 of the Government Code is
30 amended to read:

31 8670.48.3. (a) Notwithstanding subparagraph (A) of paragraph
32 (1) of subdivision (f) of Section 8670.48, a loan or other transfer
33 of money from the fund to the General Fund or a special fund
34 pursuant to the Budget Act that reduces the balance of the Oil Spill
35 Response Trust Fund to less than or equal to 95 percent of the
36 designated amount specified in subdivision (a) of Section 46012
37 of the Revenue and Taxation Code shall not obligate the
38 administrator to resume collection of the oil spill response fee
39 otherwise required by this article, except that, for a General Fund

1 loan or transfer, the administrator's obligation is suspended only
2 if both of the following conditions are met:

3 (1) The annual Budget Act requires a transfer or loan from the
4 fund to the General Fund to be repaid to the fund with interest
5 calculated at a rate earned by the Pooled Money Investment
6 Account as if the money had remained in the fund.

7 (2) The annual Budget Act requires the General Fund transfers
8 or loans to be repaid to the fund on or before June 30, 2019.

9 (b) A transfer or loan described in subdivision (a) shall be repaid
10 as soon as possible if a spill occurs and the administrator
11 determines that response funds are needed immediately.

12 (c) If there is a conflict between this section and any other law
13 or enactment, this section shall control.

14 (d) This section shall become inoperative on July 1, 2019, and,
15 as of January 1, 2020, is repealed, unless a later enacted statute,
16 that becomes operative on or before January 1, 2020, deletes or
17 extends the dates on which it becomes inoperative and is repealed.

18 SEC. 14. Section 12812.2 of the Government Code is amended
19 to read:

20 12812.2. (a) One of the deputies to the Secretary for
21 Environmental Protection shall be a deputy secretary for law
22 enforcement and counsel, who, subject to the direction and
23 supervision of the secretary, shall have the responsibility and
24 authority to do all of the following:

25 (1) Develop a program to ensure that the boards, departments,
26 offices, and other agencies that implement laws or regulations
27 within the jurisdiction of the California Environmental Protection
28 Agency take consistent, effective, and coordinated compliance
29 and enforcement actions to protect public health and the
30 environment. The program shall include training and cross-training
31 of inspection and enforcement personnel of those boards,
32 departments, offices, or other agencies to ensure consistent,
33 effective, and coordinated enforcement.

34 (2) (A) In consultation with the Attorney General, establish a
35 cross-media enforcement unit to assist a board, department, office,
36 or other agency that implements a law or regulation within the
37 jurisdiction of the California Environmental Protection Agency,
38 to investigate and prepare matters for enforcement action in order
39 to protect public health and the environment. The unit may inspect
40 and investigate a violation of a law or regulation within the

1 jurisdiction of the board, department, office, or other agency,
2 including a violation involving more than one environmental
3 medium and a violation involving the jurisdiction of more than
4 one board, department, office, or agency. The unit shall exercise
5 its authority consistent with the authority granted to the head of a
6 department pursuant to Article 2 (commencing with Section 11180)
7 of Chapter 2 of Part 1.

8 (B) Each board, department, or office within the California
9 Environmental Protection Agency shall participate and have
10 representatives in the cross-media enforcement unit established
11 pursuant to this section. The unit, including those representatives,
12 shall undertake activities consistent with Section 71110 of the
13 Public Resources Code and shall give priority to activities in
14 disadvantaged communities identified by the California
15 Environmental Protection Agency pursuant to Section 39711 of
16 the Health and Safety Code.

17 (3) Refer a violation of a law or regulation within the jurisdiction
18 of a board, department, office, or other agency that implements a
19 law or regulation within the jurisdiction of the California
20 Environmental Protection Agency to the Attorney General, a
21 district attorney, or city attorney for the filing of a civil or criminal
22 action.

23 (4) Exercise the authority granted pursuant to paragraph (3)
24 only after providing notice to the board, department, office, or
25 other agency unless the secretary determines that notice would
26 compromise an investigation or enforcement action.

27 (b) Nothing in this section shall authorize the deputy secretary
28 for law enforcement and counsel to duplicate, overlap, compromise,
29 or otherwise interfere with an investigation or enforcement action
30 undertaken by a board, department, office, or other agency that
31 implements a law or regulation subject to the jurisdiction of the
32 California Environmental Protection Agency.

33 (c) The Environmental Protection Agency shall post on its Web
34 site, updated no later than December 1 of each year, the status of
35 the implementation of this section.

36 SEC. 15. Section 25150.7 of the Health and Safety Code is
37 amended to read:

38 25150.7. (a) The Legislature finds and declares that this section
39 is intended to address the unique circumstances associated with
40 the generation and management of treated wood waste. The

1 Legislature further declares that this section does not set a
2 precedent applicable to the management, including disposal, of
3 other hazardous wastes.

4 (b) For purposes of this section, the following definitions shall
5 apply:

6 (1) “Treated wood” means wood that has been treated with a
7 chemical preservative for purposes of protecting the wood against
8 attacks from insects, microorganisms, fungi, and other
9 environmental conditions that can lead to decay of the wood, and
10 the chemical preservative is registered pursuant to the Federal
11 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et
12 seq.).

13 (2) “Wood preserving industry” means business concerns, other
14 than retailers, that manufacture or sell treated wood products in
15 the state.

16 (c) This section applies only to treated wood waste that, solely
17 due to the presence of a preservative in the wood, is a hazardous
18 waste and to which both of the following requirements apply:

19 (1) The treated wood waste is not subject to regulation as a
20 hazardous waste under the federal act.

21 (2) Section 25143.1.5 does not apply to the treated wood waste.

22 (d) (1) Notwithstanding Sections 25189.5 and 25201, treated
23 wood waste shall be disposed of in either a class I hazardous waste
24 landfill, or in a composite-lined portion of a solid waste landfill
25 unit that meets all requirements applicable to disposal of municipal
26 solid waste in California after October 9, 1993, and that is regulated
27 by waste discharge requirements issued pursuant to Division 7
28 (commencing with Section 13000) of the Water Code for
29 discharges of designated waste, as defined in Section 13173 of the
30 Water Code, or treated wood waste.

31 (2) A solid waste landfill that accepts treated wood waste shall
32 comply with all of the following requirements:

33 (A) Manage the treated wood waste to prevent scavenging.

34 (B) Ensure that any management of the treated wood waste at
35 the solid waste landfill before disposal, or in lieu of disposal,
36 complies with the applicable requirements of this chapter, except
37 as otherwise provided by regulations adopted pursuant to
38 subdivision (f).

39 (C) If monitoring at the composite-lined portion of a landfill
40 unit at which treated wood waste has been disposed of indicates

1 a verified release, then treated wood waste shall not be discharged
2 to that landfill unit until corrective action results in cessation of
3 the release.

4 (e) (1) Each wholesaler and retailer of treated wood and treated
5 wood-like products in this state shall conspicuously post
6 information at or near the point of display or customer selection
7 of treated wood and treated wood-like products used for fencing,
8 decking, retaining walls, landscaping, outdoor structures, and
9 similar uses. The information shall be provided to wholesalers and
10 retailers by the wood preserving industry in 22-point type, or larger,
11 and contain the following message:

12
13 **Warning—Potential Danger**

14
15 These products are treated with wood preservatives registered
16 with the United States Environmental Protection Agency and the
17 California Department of Pesticide Regulation and should only be
18 used in compliance with the product labels.

19 This wood may contain chemicals classified by the State of
20 California as hazardous and should be handled and disposed of
21 with care. Check product label for specific preservative information
22 and Proposition 65 warnings concerning presence of chemicals
23 known to the State of California to cause cancer or birth defects.

24 Anyone working with treated wood, and anyone removing old
25 treated wood, needs to take precautions to minimize exposure to
26 themselves, children, pets, or wildlife, including:

27
28 ☐ Avoid contact with skin. Wear gloves and long sleeved shirts
29 when working with treated wood. Wash exposed areas thoroughly
30 with mild soap and water after working with treated wood.

31
32 ☐ Wear a dust mask when machining any wood to reduce the
33 inhalation of wood dusts. Avoid frequent or prolonged inhalation
34 of sawdust from treated wood. Machining operations should be
35 performed outdoors whenever possible to avoid indoor
36 accumulations of airborne sawdust.

37
38 ☐ Wear appropriate eye protection to reduce the potential for eye
39 injury from wood particles and flying debris during machining.

1 ☐ If preservative or sawdust accumulates on clothes, launder
2 before reuse. Wash work clothes separately from other household
3 clothing.

4
5 ☐ Promptly clean up and remove all sawdust and scraps and
6 dispose of appropriately.

7
8 ☐ Do not use treated wood under circumstances where the
9 preservative may become a component of food or animal feed.

10
11 ☐ Only use treated wood that's visibly clean and free from surface
12 residue for patios, decks, or walkways.

13
14 ☐ Do not use treated wood where it may come in direct or indirect
15 contact with public drinking water, except for uses involving
16 incidental contact such as docks and bridges.

17
18 ☐ Do not use treated wood for mulch.

19
20 ☐ Do not burn treated wood. Preserved wood should not be burned
21 in open fires, stoves, or fireplaces.

22
23 For further information, go to the Internet Web site
24 <http://www.preservedwood.org> and download the free Treated
25 Wood Guide mobile application.

26
27 In addition to the above listed precautions, treated wood waste
28 shall be managed in compliance with applicable hazardous waste
29 control laws.

30 (2) On or before July 1, 2005, the wood preserving industry
31 shall, jointly and in consultation with the department, make
32 information available to generators of treated wood waste,
33 including fencing, decking, and landscape contractors, solid waste
34 landfills, and transporters, that describes how to best handle,
35 dispose of, and otherwise manage treated wood waste, through the
36 use either of a toll-free telephone number, Internet Web site,
37 information labeled on the treated wood, information
38 accompanying the sale of the treated wood, or by mailing if the
39 department determines that mailing is feasible and other methods
40 of communication would not be as effective. A treated wood

1 manufacturer or supplier to a wholesaler or retailer shall also
2 provide the information with each shipment of treated wood
3 products to a wholesaler or retailer, and the wood preserving
4 industry shall provide it to fencing, decking, and landscaping
5 contractors, by mail, using the Contractors' State License Board's
6 available listings, and license application packages. The department
7 may provide guidance to the wood preserving industry, to the
8 extent resources permit.

9 (f) (1) On or before January 1, 2007, the department, in
10 consultation with the Department of Resources Recycling and
11 Recovery, the State Water Resources Control Board, and the Office
12 of Environmental Health Hazard Assessment, and after
13 consideration of any known health hazards associated with treated
14 wood waste, shall adopt and may subsequently revise as necessary,
15 regulations establishing management standards for treated wood
16 waste as an alternative to the requirements specified in this chapter
17 and the regulations adopted pursuant to this chapter.

18 (2) The regulations adopted pursuant to this subdivision shall,
19 at a minimum, ensure all of the following:

20 (A) Treated wood waste is properly stored, treated, transported,
21 tracked, disposed of, and otherwise managed to prevent, to the
22 extent practical, releases of hazardous constituents to the
23 environment, prevent scavenging, and prevent harmful exposure
24 of people, including workers and children, aquatic life, and animals
25 to hazardous chemical constituents of the treated wood waste.

26 (B) Treated wood waste is not reused, with or without treatment,
27 except for a purpose that is consistent with the approved use of
28 the preservative with which the wood has been treated. For
29 purposes of this subparagraph, "approved uses" means a use
30 approved at the time the treated wood waste is reused.

31 (C) Treated wood waste is managed in accordance with all
32 applicable laws.

33 (D) Any size reduction of treated wood waste is conducted in
34 a manner that prevents the uncontrolled release of hazardous
35 constituents to the environment, and that conforms to applicable
36 worker health and safety requirements.

37 (E) All sawdust and other particles generated during size
38 reduction are captured and managed as treated wood waste.

39 (F) All employees involved in the acceptance, storage, transport,
40 and other management of treated wood waste are trained in the

1 safe and legal management of treated wood waste, including, but
2 not limited to, procedures for identifying and segregating treated
3 wood waste.

4 (g) (1) A person managing treated wood waste who is subject
5 to a requirement of this chapter, including a regulation adopted
6 pursuant to this chapter, shall comply with either the alternative
7 standard specified in the regulations adopted pursuant to
8 subdivision (f) or with the requirements of this chapter.

9 (2) A person who is in compliance with the alternative standard
10 specified in the regulations adopted pursuant to subdivision (f) is
11 deemed to be in compliance with the requirement of this chapter
12 for which the regulation is identified as being an alternative, and
13 the department and any other entity authorized to enforce this
14 chapter shall consider that person to be in compliance with that
15 requirement of this chapter.

16 (h) On January 1, 2005, all variances granted by the department
17 before January 1, 2005, governing the management of treated wood
18 waste are inoperative and have no further effect.

19 (i) This section does not limit the authority or responsibility of
20 the department to adopt regulations under any other law.

21 (j) On or before July 1, 2018, the department shall prepare, post
22 on its Internet Web site, and provide to the appropriate policy
23 committees of the Legislature, a comprehensive report on the
24 compliance with, and implementation of, this section. The report
25 shall include, but not be limited to, all of the following:

26 (1) Data, and evaluation of that data, on the rates of compliance
27 with this section and injuries associated with handling treated wood
28 waste based on department inspections of treated wood waste
29 generator sites and treated wood waste disposal facilities. To gather
30 data to perform the required evaluation, the department shall do
31 all of the following:

32 (A) The department shall inspect representative treated wood
33 waste generator sites and treated wood waste disposal facilities,
34 which shall not to be less than 25 percent of each.

35 (B) The department shall survey and otherwise seek information
36 on how households are currently handling, transporting, and
37 disposing of treated wood waste, including available information
38 from household hazardous waste collection facilities, solid waste
39 transfer facilities, solid waste disposal facility load check programs,
40 and CUPAs.

1 (C) The department shall, by survey or otherwise, seek data to
2 determine whether sufficient information and convenient collection
3 and disposal options are available to household generators of
4 treated wood waste.

5 (2) An evaluation of the adequacy of protective measures taken
6 in tracking, handling, and disposing of treated wood waste.

7 (3) Data regarding the unauthorized disposal of treated wood
8 waste at disposal facilities that have not been approved for that
9 disposal.

10 (4) Conclusions regarding the handling of treated wood waste.

11 (5) Recommendations for changes to the handling of treated
12 wood waste to ensure the protection of public health and the
13 environment.

14 (k) This section shall become inoperative on December 31,
15 2020, and, as of January 1, 2021, is repealed, unless a later enacted
16 statute, that becomes operative on or before January 1, 2021,
17 deletes or extends the dates on which it becomes inoperative and
18 is repealed.

19 SEC. 16. Section 25150.84 of the Health and Safety Code is
20 amended to read:

21 25150.84. (a) The department is authorized to collect an annual
22 fee from all metal shredding facilities that are subject to the
23 requirements of this chapter or to the alternative management
24 standards adopted pursuant to Section 25150.82. The department
25 shall establish and adopt regulations necessary to administer this
26 fee and to establish a fee schedule that is set at a rate sufficient to
27 reimburse the department's costs to implement this chapter as
28 applicable to metal shredder facilities. The fee schedule established
29 by the department may be updated periodically as necessary and
30 shall provide for the assessment of no more than the reasonable
31 and necessary costs of the department to implement this chapter,
32 as applicable to metal shredder facilities.

33 (b) The Controller shall establish a separate subaccount in the
34 Hazardous Waste Control Account. The fees collected pursuant
35 to this section shall be deposited into the subaccount and be
36 available for expenditure by the department upon appropriation
37 by the Legislature.

38 (c) A regulation adopted pursuant to this section may be adopted
39 as an emergency regulation in accordance with Chapter 3.5
40 (commencing with Section 11340) of Part 1 of Division 3 of Title

2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:

- (A) A fee imposed pursuant to Section 25205.7.
- (B) A disposal fee imposed pursuant to Section 25174.1.
- (C) A facility fee imposed pursuant to Section 25205.2.
- (D) A generator fee imposed pursuant to Section 25205.5.
- (E) A transportable treatment unit fee imposed pursuant to Section 25205.14.

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.

SEC. 17. Section 25189.3 of the Health and Safety Code is amended to read:

25189.3. (a) For purposes of this section, the term “permit” means a hazardous waste facilities permit, interim status authorization, or standardized permit.

(b) The department shall suspend the permit of any facility for nonpayment of any facility fee assessed pursuant to Section 25205.2 or activity fee assessed pursuant to Section 25205.7, if the operator of the facility is subject to the fee, and if the department or State Board of Equalization has certified in writing to all of the following:

(1) The facility’s operator is delinquent in the payment of the fee for one or more reporting periods.

(2) The department or State Board of Equalization has notified the facility’s operator of the delinquency.

1 (3) (A) For a facility operator that elected to pay the flat activity
2 fee rate pursuant subdivision (d) of Section 25205.7, as that section
3 read on January 1, 2016, the operator has exhausted his or her
4 administrative rights of appeal provided by Chapter 3 (commencing
5 with Section 43151) of Part 22 of Division 2 of the Revenue and
6 Taxation Code, and the State Board of Equalization has determined
7 that the operator is liable for the fee, or that the operator has failed
8 to assert those rights.

9 (B) For a facility operator that pays the activity fee under a
10 reimbursement agreement with the department pursuant to
11 subdivision (a) of Section 25205.7, the operator has exhausted the
12 dispute resolution procedures adopted by the department pursuant
13 to subparagraph (H) of paragraph (2) of subdivision (b) of Section
14 25206.2.

15 (c) (1) The department shall suspend the permit of any facility
16 for nonpayment of a penalty assessed upon the owner or operator
17 for failure to comply with this chapter or the regulations adopted
18 pursuant to this chapter, if the penalty has been imposed by a trial
19 court judge or by an administrative hearing officer, if the person
20 has agreed to pay the penalty pursuant to a written agreement
21 resolving a lawsuit or an administrative order, or if the penalty has
22 become final due to the person's failure to respond to the lawsuit
23 or order.

24 (2) The department may suspend a permit pursuant to this
25 subdivision only if the owner or operator is delinquent in the
26 payment of the penalty and the department has notified the owner
27 or operator of the delinquency pursuant to subdivision (d).

28 (d) Before suspending a permit pursuant to this section, the
29 department shall notify the owner or operator of its intent to do
30 so, and shall allow the owner or operator a minimum of 30 days
31 in which to cure the delinquency.

32 (e) The department may deny a new permit or refuse to renew
33 a permit on the same grounds for which the department is required
34 to suspend a permit under this section, subject to the same
35 requirements and conditions.

36 (f) (1) The department shall reinstate a permit that is suspended
37 pursuant to this section upon payment of the amount due if the
38 permit has not otherwise been revoked or suspended pursuant to
39 any other provision of this chapter or regulation. Until the
40 department reinstates a permit suspended pursuant to this section,

1 if the facility stores, treats, disposes of, or recycles hazardous
2 wastes, the facility shall be in violation of this chapter. If the
3 operator of the facility subsequently pays the amount due, the
4 period of time for which the operator shall have been in violation
5 of this chapter shall be from the date of the activity that is in
6 violation until the day after the owner or operator submits the
7 payment to the department.

8 (2) Except as otherwise provided in this section, the department
9 is not required to take any other statutory or regulatory procedures
10 governing the suspension of the permit before suspending a permit
11 in compliance with the procedures of this section.

12 (g) (1) A suspension under this section shall be stayed while
13 an authorized appeal of the fee or penalty is pending before a court
14 or an administrative agency.

15 (2) For purposes of this subdivision, “an authorized appeal”
16 means any appeal allowed pursuant to an applicable regulation or
17 statute.

18 (h) The department may suspend a permit under this section
19 based on a failure to pay the required fee or penalty that
20 commenced before January 1, 2002, if the failure to pay has been
21 ongoing for at least 30 days following that date.

22 (i) Notwithstanding Section 43651 of the Revenue and Taxation
23 Code, the suspension of a permit pursuant to this section, the reason
24 for the suspension, and any documentation supporting the
25 suspension, shall be a matter of public record.

26 (j) (1) This section does not authorize the department to suspend
27 a permit held by a government agency if the agency does not
28 dispute the payment but nonetheless is unable to process the
29 payment in a timely manner.

30 (2) This section does not apply to a site owned or operated by
31 a federal agency if the department has entered into an agreement
32 with that federal agency regarding the remediation of that site.

33 (k) This section does not limit or supersede Section 25186.

34 SEC. 18. Section 25205.7 of the Health and Safety Code is
35 amended to read:

36 25205.7. (a) (1) A person who applies for, or requests, any
37 of the following shall enter into a written agreement with the
38 department pursuant to which that person shall reimburse the
39 department, pursuant to Article 9.2 (commencing with Section

1 25206.1), for the costs incurred by the department in processing
2 the application or responding to the request:

3 (A) A new hazardous waste facilities permit, including a
4 standardized permit.

5 (B) A hazardous waste facilities permit for postclosure.

6 (C) A renewal of an existing hazardous waste facilities permit,
7 including a standardized permit or postclosure permit.

8 (D) A class 2 or class 3 modification of an existing hazardous
9 waste facilities permit or grant of interim status, including a
10 standardized permit or grant of interim status or a postclosure
11 permit.

12 (E) A variance.

13 (F) A waste classification determination.

14 (2) An agreement required pursuant to paragraph (1) shall
15 provide for at least 25 percent of the reimbursement to be made
16 in advance of the processing of the application or the response to
17 the request. The 25-percent advance payment shall be based upon
18 the department's total estimated costs of processing the application
19 or response to the request.

20 (3) An agreement entered into pursuant to this section shall, if
21 applicable, include costs of reviewing and overseeing corrective
22 action as set forth in subdivision (b).

23 (b) An applicant pursuant to paragraph (1) of subdivision (a)
24 and the owner and the operator of the facility shall pay the
25 department's costs in reviewing and overseeing any corrective
26 action program described in the application for a standardized
27 permit pursuant to subparagraph (C) of paragraph (2) of subdivision
28 (c) of Section 25201.6 or required pursuant to subdivision (b) of
29 Section 25200.10, and in reviewing and overseeing any corrective
30 action work undertaken at the facility pursuant to that corrective
31 action program.

32 (c) (1) An applicant pursuant to paragraph (1) of subdivision
33 (a) and the owner and the operator of the facility shall, pursuant
34 to Section 21089 of the Public Resources Code, pay all costs
35 incurred by the department for purposes of complying with the
36 California Environmental Quality Act (Division 13 (commencing
37 with Section 21000) of the Public Resources Code), in conjunction
38 with an application or request for any of the activities identified
39 in subdivision (a), including any activities associated with
40 correction action.

(2) Paragraph (1) does not apply to projects that are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) Any reimbursements received pursuant to this section shall be placed in the Hazardous Waste Control Account for appropriation in accordance with Section 25174.

(e) Subdivision (a) does not apply to any variance granted pursuant to Article 4 (commencing with Section 66263.40) of Chapter 13 of Division 4.5 of Title 22 of the California Code of Regulations.

(f) Subdivision (a) does not apply to any of the following:

(1) Any variance issued to a public agency to transport wastes for purposes of operating a household hazardous waste collection facility, or to transport waste from a household hazardous waste collection facility, which receives household hazardous waste or hazardous waste from conditionally exempted small quantity generators pursuant to Article 10.8 (commencing with Section 25218).

(2) A permanent household hazardous waste collection facility.

(3) Any variance issued to a public agency to conduct a collection program for agricultural wastes.

(g) Fees imposed pursuant to this section shall be administered and collected by the department.

(h) (1) The changes made in this section by the act that added this subdivision apply to applications and requests submitted to the department on and after April 1, 2016.

(2) If, on and after April 1, 2016, an applicant has submitted an application and paid a fee pursuant to subdivision (d), as that subdivision read on April 1, 2016, but before the act that added this subdivision took effect, the department shall determine the difference between the amount paid by the applicant and the amount due pursuant to subdivision (a), and that applicant shall be liable for that amount.

(3) Acknowledging a limited period of retroactive application of the elimination of the flat fee option pursuant to this subdivision, the Legislature finds and declares all of the following:

(A) The department expends a substantial amount of time and resources in processing permit applications and modifications.

1 (B) The former flat fee option paid by applicants was most often
2 insufficient to cover actual costs to the department in reviewing
3 and processing the applications and modifications.

4 (C) The applicant, being the primary beneficiary of the permit
5 process, in fairness should pay the actual costs of the department
6 in reviewing permit applications and modifications.

7 (D) The amendment to this section during the 2015–16 Regular
8 Session eliminating the flat fee option and requiring applicants to
9 enter into a written reimbursement agreement with the department
10 is intended to apply to applications and modification requests filed
11 on or after April 1, 2016, in order to remedy this financial inequity
12 and to avoid an influx of the submission of applications to the
13 department before amendment to this section goes into effect.

14 SEC. 19. Section 25205.18 of the Health and Safety Code is
15 amended to read:

16 25205.18. (a) If a facility has a permit or an interim status
17 document which sets forth the facility's allowable capacity for
18 treatment or storage, the facility's size for purposes of the annual
19 facility fee pursuant to Section 25205.2 shall be based upon that
20 capacity, except as provided in subdivision (d).

21 (b) If a facility's allowable capacity changes or is initially
22 established as a result of a permit modification, or a submission
23 of a certification pursuant to subdivision (d), the fee that is due for
24 the reporting period in which the change occurs shall be the higher
25 fee.

26 (c) The department may require the facility to submit an
27 application to modify its permit to provide for an allowable
28 capacity.

29 (d) A facility may reduce its allowable capacity below the
30 amounts specified in subdivision (a) or (c) by submitting a
31 certification signed by the owner or operator in which the owner
32 or operator pledges that the facility will not handle hazardous waste
33 at a capacity above the amount specified in the certification. In
34 that case, the facility's size for purposes of the annual facility fee
35 pursuant to Section 25205.2 shall be based upon the capacity
36 specified in the certification, until the certification is withdrawn.
37 Exceeding the capacity limits specified in a certification that has
38 not been withdrawn shall be a violation of the hazardous waste
39 control law and may subject a facility or its operator to a penalty
40 and corrective action as provided in this chapter.

1 (e) This section shall have no bearing on the imposition of the
2 annual postclosure facility fee.

3 SEC. 20. Section 25205.19 of the Health and Safety Code is
4 amended to read:

5 25205.19. (a) If a facility has a permit or an interim status
6 document which sets forth the facility's type, pursuant to Section
7 25205.1, as either treatment, storage, or disposal, the facility's
8 type for purposes of the annual facility fee pursuant to Section
9 25205.2 shall be rebuttably presumed to be what is set forth in that
10 permit or document.

11 (b) If the facility's type changes as a result of a permit or interim
12 status modification, any change in the annual facility fee shall be
13 effective the reporting period following the one in which the
14 modification becomes effective.

15 (c) If the facility's permit or interim status document does not
16 set forth its type, the department may require the facility to submit
17 an application to modify the permit or interim status document to
18 provide for a facility type.

19 (d) A permit or interim status document may set forth more than
20 one facility type or size. In accordance with subdivision (d) of
21 Section 25205.4, the facility shall be subject only to the highest
22 applicable fee.

23 SEC. 21. Section 25247 of the Health and Safety Code is
24 amended to read:

25 25247. (a) The department shall review each plan submitted
26 pursuant to Section 25246 and shall approve the plan if it finds
27 that the plan complies with the regulations adopted by the
28 department and complies with all other applicable state and federal
29 regulations.

30 (b) The department shall not approve the plan until at least one
31 of the following occurs:

32 (1) The plan has been approved pursuant to Section 13227 of
33 the Water Code.

34 (2) Sixty days expire after the owner or operator of an interim
35 status facility submits the plan to the department. If the department
36 denies approval of a plan for an interim status facility, this 60-day
37 period shall not begin until the owner or operator resubmits the
38 plan to the department.

39 (3) The director finds that immediate approval of the plan is
40 necessary to protect public health, safety, or the environment.

1 (c) Any action taken by the department pursuant to this section
2 is subject to Section 25204.5.

3 (d) (1) To the extent consistent with the federal act, the
4 department shall impose the requirements of a hazardous waste
5 facility postclosure plan on the owner or operator of a facility
6 through the issuance of an enforcement order, entering into an
7 enforceable agreement, or issuing a postclosure permit.

8 (A) A hazardous waste facility postclosure plan imposed or
9 modified pursuant to an enforcement order, a permit, or an
10 enforceable agreement shall be approved in compliance with the
11 California Environmental Quality Act (Division 13 (commencing
12 with Section 21000) of the Public Resources Code).

13 (B) Before the department initially approves or significantly
14 modifies a hazardous waste facility postclosure plan pursuant to
15 this subdivision, the department shall provide a meaningful
16 opportunity for public involvement, which, at a minimum, shall
17 include public notice and an opportunity for public comment on
18 the proposed action.

19 (C) For the purposes of subparagraph (B), a “significant
20 modification” is a modification that the department determines
21 would constitute a class 3 permit modification if the change were
22 being proposed to a hazardous waste facilities permit. In
23 determining whether the proposed modification would constitute
24 a class 3 modification, the department shall consider the similarity
25 of the modification to class 3 modifications codified in Appendix
26 I of Chapter 20 (commencing with Section 66270.1) of Division
27 4.5 of Title 22 of the California Code of Regulations. In
28 determining whether the proposed modification would constitute
29 a class 3 modification, the department shall also consider whether
30 there is significant public concern about the proposed modification,
31 and whether the proposed change is so substantial or complex in
32 nature that the modification requires the more extensive procedures
33 of a class 3 permit modification.

34 (2) This subdivision does not limit or delay the authority of the
35 department to order any action necessary at a facility to protect
36 public health or safety.

37 (3) If the department imposes a hazardous waste facility
38 postclosure plan in the form of an enforcement order or enforceable
39 agreement, in lieu of issuing or renewing a postclosure permit, the
40 owner or operator who submits the plan for approval shall, at the

1 time the plan is submitted, enter into a cost reimbursement
2 agreement pursuant to Section 25205.7 and upon commencement
3 of the postclosure period shall pay the fee required by paragraph
4 (9) of subdivision (c) of Section 25205.4. For purposes of this
5 paragraph and paragraph (9) of subdivision (c) of Section 25205.4,
6 the commencement of the postclosure period shall be the effective
7 date of the postclosure permit, enforcement order, or enforceable
8 agreement.

9 (4) In addition to any other remedy available under state law to
10 enforce a postclosure plan imposed in the form of an enforcement
11 order or enforcement agreement, the department may take any of
12 the following actions:

13 (A) File an action to enjoin a threatened or continuing violation
14 of a requirement of the enforcement order or agreement.

15 (B) Require compliance with requirements for corrective action
16 or other emergency response measures that the department deems
17 necessary to protect human health and the environment.

18 (C) Assess or file an action to recover civil penalties and fines
19 for a violation of a requirement of an enforcement order or
20 agreement.

21 (e) Subdivision (d) does not apply to a postclosure plan for
22 which a final or draft permit has been issued by the department on
23 or before December 31, 2003, unless the department and the facility
24 mutually agree to replace the permit with an enforcement order or
25 enforceable agreement pursuant to the provisions of subdivision
26 (d).

27 (f) (1) Except as provided in paragraphs (2) and (3), the
28 department may only impose postclosure plan requirements through
29 an enforcement order or an enforceable agreement pursuant to
30 subdivision (d) until January 1, 2009.

31 (2) This subdivision does not apply to an enforcement order or
32 enforceable agreement issued before January 1, 2009, or an order
33 or agreement for which a public notice is issued on or before
34 January 1, 2009.

35 (3) This subdivision does not apply to the modification on or
36 after January 1, 2009, of an enforcement order or enforceable
37 agreement that meets the conditions in paragraph (2).

38 (g) If the department determines that a postclosure permit is
39 necessary to enforce a postclosure plan, the department may, at
40 any time, rescind and replace an enforcement order or an

1 enforceable agreement issued pursuant to this section by issuing
2 a postclosure permit for the hazardous waste facility, in accordance
3 with the procedures specified in the department's regulations for
4 the issuance of postclosure permits.

5 (h) Nothing in this section may be construed to limit or delay
6 the authority of the department to order any action necessary at a
7 facility to protect public health or safety, or the environment.

8 SEC. 22. Section 25253.5 is added to the Health and Safety
9 Code, to read:

10 25253.5. The department shall revise its 2015–17 Priority
11 Product Work Plan to include lead acid batteries for consideration
12 and evaluation as a potential priority product.

13 SEC. 23. Section 100829 of the Health and Safety Code is
14 amended to read:

15 100829. The State Water Resources Control Board may do all
16 of the following related to accrediting environmental laboratories
17 in the state:

18 (a) Offer both state accreditation and NELAP accreditation,
19 which shall be considered equivalent for regulatory activities
20 covered by this article.

21 (b) Adopt regulations to establish the accreditation procedures
22 for both types of accreditation.

23 (c) Retain exclusive authority to grant NELAP accreditation.

24 (d) Accept certificates of accreditation from laboratories that
25 have been accredited by other NELAP-recognized accrediting
26 authorities.

27 (e) Adopt regulations to establish procedures for recognizing
28 the accreditation of laboratories located outside California for
29 activities regulated under this article.

30 (f) (1) Adopt a schedule of fees to recover costs incurred for
31 the accreditation of environmental laboratories. Consistent with
32 Section 3 of Article XIII A of the California Constitution, the board
33 shall set the fees under this section in an amount sufficient to
34 recover all reasonable regulatory costs incurred for the purposes
35 of this article.

36 (2) The board shall set the amount of total revenue collected
37 each year through the fee schedule at an amount equal to the
38 amount appropriated by the Legislature in the annual Budget Act
39 from the Environmental Laboratory Improvement Fund for
40 expenditure for the administration of this article, taking into

1 account the reserves in the Environmental Laboratory Improvement
2 Fund. The board shall review and revise the fees each fiscal year
3 as necessary to conform with the amounts appropriated by the
4 Legislature. If the board determines that the revenue collected
5 during the preceding year was greater than, or less than, the
6 amounts appropriated by the Legislature, the board may further
7 adjust the fees to compensate for the over or under collection of
8 revenue.

9 (3) The board shall adopt the schedule of fees by emergency
10 regulation. The emergency regulations may include provisions
11 concerning the administration and collection of the fees. Any
12 emergency regulations adopted pursuant to this section, any
13 amendment to those regulations, or subsequent adjustments to the
14 annual fees, shall be adopted by the board in accordance with
15 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
16 3 of Title 2 of the Government Code. The adoption of these
17 regulations is an emergency and shall be considered by the Office
18 of Administrative Law as necessary for the immediate preservation
19 of the public peace, health, safety, and general welfare.
20 Notwithstanding Chapter 3.5 (commencing with Section 11340)
21 of Part 1 of Division 3 of Title 2 of the Government Code, any
22 emergency regulations adopted by the board, or adjustments to the
23 annual fees made by the board pursuant to this section, are not
24 subject to review by the Office of Administrative Law and remain
25 in effect until revised by the board.

26 (4) Fees shall be set for the two types of accreditation provided
27 for in subdivision (a), including application fees.

28 (5) Programs operated under this article shall be fully
29 fee-supported.

30 SEC. 24. Section 100860.1 of the Health and Safety Code is
31 amended to read:

32 100860.1. (a) At the time of application for ELAP certification
33 and annually thereafter, from the date of the issuance of the
34 certificate, a laboratory shall pay an ELAP certification fee,
35 according to the fee schedule established by the State Water
36 Resources Control Board pursuant to Section 100829.

37 (b) State and local government-owned laboratories in California
38 performing work only in a reference capacity as a reference
39 laboratory are exempt from the payment of the fees prescribed
40 pursuant to Section 100829.

1 (c) In addition to the payment of fees authorized by Section
2 100829, laboratories certified or applying for certification shall
3 pay directly to the designated proficiency testing provider the cost
4 of the proficiency testing study.

5 (d) For the purpose of this section, a reference laboratory is a
6 laboratory owned and operated by a governmental regulatory
7 agency for the principal purpose of analyzing samples referred by
8 another governmental regulatory agency or another laboratory for
9 confirmatory analysis.

10 SEC. 25. Section 100862 of the Health and Safety Code is
11 amended to read:

12 100862. (a) At the time of application for NELAP accreditation
13 and annually thereafter, from the date of the issuance of the
14 accreditation, a laboratory shall pay a NELAP accreditation fee,
15 according to the fee schedule established by the State Water
16 Resources Control Board pursuant to Section 100829.

17 (b) In addition to the payment of fees authorized by Section
18 100829, laboratories accredited or applying for accreditation shall
19 pay directly to the designated proficiency testing provider the cost
20 of the proficiency testing studies.

21 SEC. 26. Section 105206 of the Health and Safety Code is
22 amended to read:

23 105206. (a) A laboratory that performs cholinesterase testing
24 on human blood drawn in California for an employer to enable the
25 employer to satisfy his or her responsibilities for medical
26 supervision of his or her employees who regularly handle pesticides
27 pursuant to Section 6728 of Title 3 of the California Code of
28 Regulations or to respond to alleged exposure to cholinesterase
29 inhibitors or known exposure to cholinesterase inhibitors that
30 resulted in illness shall report the information specified in
31 subdivision (b) to the Department of Pesticide Regulation. Reports
32 shall be submitted to the Department of Pesticide Regulation on,
33 at a minimum, a monthly basis. For the purpose of meeting the
34 requirements in subdivision (d), the reports shall be submitted via
35 electronic media and formatted in a manner approved by the
36 director. The Department of Pesticide Regulation shall share
37 information from cholinesterase reports with the Office of
38 Environmental Health Hazard Assessment (OEHHA) and the State
39 Department of Public Health on an ongoing basis, in an electronic

1 format, for the purpose of meeting the requirements of subdivisions
2 (e) and (f).

3 (b) The testing laboratory shall report all of the following
4 information in its possession in complying with subdivision (a):

5 (1) The test results in International Units per milliliter of sample
6 (IU/mL).

7 (2) The purpose of the test, including baseline or other periodic
8 testing, pursuant to the requirements of Section 6728 of Title 3 of
9 the California Code of Regulations, or evaluation of suspected
10 pesticide illness.

11 (3) The name of the person tested.

12 (4) The date of birth of the person tested.

13 (5) The name, address, and telephone number of the health care
14 provider or medical supervisor who ordered the analysis.

15 (6) The name, address, and telephone number of the analyzing
16 laboratory.

17 (7) The accession number of the specimen.

18 (8) The date that the sample was collected from the patient and
19 the date the result was reported.

20 (9) Contact information for the person tested and his or her
21 employer, if known and readily available.

22 (c) The medical supervisor ordering the test for a person
23 pursuant to subdivision (a) shall note in the test order the purpose
24 of the test, pursuant to paragraph (2) of subdivision (b), and ensure
25 that the person tested receives a copy of the cholinesterase test
26 results and any recommendations from the medical supervisor
27 within 14 days of the medical supervisor receiving the results.

28 (d) All information reported pursuant to this section shall be
29 confidential, as provided in Section 100330, except that the
30 OEHHA, the Department of Pesticide Regulation, and the State
31 Department of Public Health may share the information for the
32 purpose of surveillance, case management, investigation,
33 environmental remediation, or abatement with the appropriate
34 county agricultural commissioner and local health officer.

35 (e) The OEHHA shall review the cholinesterase test results and
36 may provide an appropriate medical or toxicological consultation
37 to the medical supervisor. In addition to the duties performed
38 pursuant to Section 105210, the OEHHA, in consultation with the
39 Department of Pesticide Regulation and the local health officer,
40 may provide medical and toxicological consultation, as appropriate,

1 to the county agricultural commissioner to address medical issues
2 related to the investigation of cholinesterase inhibitor-related
3 illness.

4 (f) By December 31, 2015, the Department of Pesticide
5 Regulation and the OEHHA, in consultation with the State
6 Department of Public Health, shall prepare a report on the
7 effectiveness of the medical supervision program and the utility
8 of laboratory-based reporting of cholinesterase testing for illness
9 surveillance and prevention. The joint report may include
10 recommendations to the Legislature that the Department of
11 Pesticide Regulation and the OEHHA deem necessary. The
12 Department of Pesticide Regulation and the OEHHA shall make
13 the report publicly available on their Internet Web sites.

14 (g) This section shall remain in effect only until January 1, 2019,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2019, deletes or extends that date.

17 SEC. 27. Section 116590 of the Health and Safety Code, as
18 added by Section 26 of Chapter 24 of the Statutes of 2015, is
19 amended to read:

20 116590. (a) Funds received by the state board pursuant to this
21 chapter shall be deposited into the Safe Drinking Water Account,
22 which is hereby established, and shall be available for use by the
23 state board, upon appropriation by the Legislature, for the purpose
24 of providing funds necessary to administer this chapter. Funds in
25 the Safe Drinking Water Account shall not be expended for any
26 purpose other than as set forth in this chapter.

27 (b) A public water system may collect a fee from its customers
28 to recover the fees paid by the public water system pursuant to this
29 chapter.

30 (c) The total amount of funds received for state operations
31 program costs to administer this chapter for fiscal year 2016–17
32 shall not exceed thirty-eight million nine hundred seven thousand
33 dollars (\$38,907,000) and the total amount of funds received for
34 administering this chapter for each fiscal year thereafter shall not
35 increase by more than 5 percent of the amount received in the
36 previous fiscal year plus any changes to salary, benefit, and
37 retirement adjustments contained in each annual Budget Act.

38 (d) This section shall become operative on July 1, 2016.

39 SEC. 28. Section 116681 of the Health and Safety Code is
40 amended to read:

1 116681. The following definitions shall apply to this section
2 and Sections 116682 and 116684:

3 (a) “Adequate supply” means sufficient water to meet residents’
4 health and safety needs.

5 (b) “Affected residence” means a residence reliant on a water
6 supply that is either inadequate or unsafe.

7 (c) “Consistently fails” means a failure to provide an adequate
8 supply of safe drinking water.

9 (d) “Consolidated water system” means the public water system
10 resulting from the consolidation of a public water system with
11 another public water system, state small water system, or affected
12 residences not served by a public water system.

13 (e) “Consolidation” means joining two or more public water
14 systems, state small water systems, or affected residences not
15 served by a public water system, into a single public water system.

16 (f) “Disadvantaged community” means a disadvantaged
17 community, as defined in Section 79505.5 of the Water Code, that
18 is in an unincorporated area or is served by either a mutual water
19 company or a small public water system.

20 (g) “Extension of service” means the provision of service
21 through any physical or operational infrastructure arrangement
22 other than consolidation.

23 (h) “Receiving water system” means the public water system
24 that provides service to a subsumed water system through
25 consolidation or extension of service.

26 (i) “Safe drinking water” means water that meets all primary
27 and secondary drinking water standards.

28 (j) “Small public water system” has the same meaning as
29 provided in subdivision (b) of Section 116395.

30 (k) “Subsumed water system” means the public water system,
31 state small water system, or affected residences not served by a
32 public water system consolidated into or receiving service from
33 the receiving water system.

34 SEC. 29. Section 10187.5 of the Public Contract Code is
35 amended to read:

36 10187.5. For purposes of this article, the following definitions
37 and the definitions in subdivision (a) of Section 13332.19 of the
38 Government Code shall apply:

39 (a) “Best value” means a value determined by evaluation of
40 objective criteria that relate to price, features, functions, life-cycle

1 costs, experience, and past performance. A best value determination
2 may involve the selection of the lowest cost proposal meeting the
3 interests of the department and meeting the objectives of the
4 project, selection of the best proposal for a stipulated sum
5 established by the procuring agency, or a tradeoff between price
6 and other specified factors.

7 (b) "Construction subcontract" means each subcontract awarded
8 by the design-build entity to a subcontractor that will perform work
9 or labor or render service to the design-build entity in or about the
10 construction of the work or improvement, or a subcontractor
11 licensed by the State of California that, under subcontract to the
12 design-build entity, specially fabricates and installs a portion of
13 the work or improvement according to detailed drawings contained
14 in the plans and specifications produced by the design-build team.

15 (c) (1) "Department" means the Department of General Services
16 and the Department of Corrections and Rehabilitation.

17 (2) For the purposes of projects at the Salton Sea, "department"
18 means the Department of Water Resources.

19 (d) "Design-build" means a project delivery process in which
20 both the design and construction of a project are procured from a
21 single entity.

22 (e) "Design-build entity" means a corporation, limited liability
23 company, partnership, joint venture, or other legal entity that is
24 able to provide appropriately licensed contracting, architectural,
25 and engineering services as needed pursuant to a design-build
26 contract.

27 (f) "Design-build team" means the design-build entity itself and
28 the individuals and other entities identified by the design-build
29 entity as members of its team. Members shall include the general
30 contractor and, if utilized in the design of the project, all electrical,
31 mechanical, and plumbing contractors.

32 (g) (1) "Director" means, with respect to procurements
33 undertaken by the Department of General Services, the Director
34 of General Services or, with respect to procurements undertaken
35 by the Department of Corrections and Rehabilitation, the secretary
36 of that department.

37 (2) For purposes of projects at the Salton Sea, "director" means
38 the Director of Water Resources.

39 SEC. 30. Section 10190 of the Public Contract Code is amended
40 to read:

10190. (a) The director shall notify the State Public Works Board regarding the method to be used for selecting the design-build entity, prior to advertising the design-build project.

(b) Notwithstanding subdivision (a), for purposes of projects at the Salton Sea, the Director of Water Resources shall notify the California Water Commission regarding the method to be used for selecting the design-build entry, prior to advertising the design-build project.

SEC. 31. Section 4629.6 of the Public Resources Code is amended to read:

4629.6. Moneys deposited in the fund shall, upon appropriation by the Legislature, only be expended for the following purposes:

(a) To reimburse the State Board of Equalization for its administrative costs associated with the administration, collection, audit, and issuance of refunds related to the lumber products and engineered wood assessment established pursuant to Section 4629.5.

(b) To pay refunds issued pursuant to Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code.

(c) To support the activities and costs of the department, the Department of Conservation, the Department of Fish and Wildlife, the State Water Resources Control Board, and regional water quality control boards associated with the review of projects or permits necessary to conduct timber operations. On or after July 1, 2013, except for fees applicable for fire prevention or protection within state responsibility area classified lands or timber yield assessments, no currently authorized or required fees shall be charged by the agencies listed in this subdivision for activities or costs associated with the review of a project, inspection and oversight of projects, and permits necessary to conduct timber operations of those departments and boards.

(d) For transfer to the department's Forest Improvement Program for forest resources improvement grants and projects administered by the department pursuant to Chapter 1 (commencing with Section 4790) and Chapter 2 (commencing with Section 4799.06) of Part 2.5.

(e) To fund existing restoration grant programs, with priority given to the Fisheries Restoration Grant Program administered by

1 the Department of Fish and Wildlife and grant programs
2 administered by state conservancies.

3 (f) (1) As a loan to the Department of Fish and Wildlife for
4 activities to address environmental damage occurring on forest
5 lands resulting from marijuana cultivation. Not more than five
6 hundred thousand dollars (\$500,000) may be loaned from the fund
7 in a fiscal year pursuant to this paragraph. This paragraph shall
8 become inoperative on July 1, 2017.

9 (2) Any funds deposited into the fund pursuant to subdivision
10 (d) or (f) of Section 12025 or subdivision (b), (c), (e), or (f) of
11 Section 12025.1 of the Fish and Game Code shall be credited
12 toward loan repayment.

13 (3) Moneys from the General Fund shall not be used to repay
14 a loan authorized pursuant to this subdivision.

15 (g) To the department for fuel treatment grants and projects
16 pursuant to authorities under the Wildland Fire Protection and
17 Resources Management Act of 1978 (Article 1 (commencing with
18 Section 4461) of Chapter 7).

19 (h) To the department to provide grants to local agencies
20 responsible for fire protection, qualified nonprofits, recognized
21 tribes, local and state governments, and resources conservation
22 districts, undertaken on a state responsibility area (SRA) or on
23 wildlands not in an SRA that pose a threat to the SRA, to reduce
24 the costs of wildland fire suppression, reduce greenhouse gas
25 emissions, promote adaptation of forested landscapes to changing
26 climate, improve forest health, and protect homes and communities.

27 (i) To the Natural Resources Agency to provide a reasonable
28 per diem for attendance at a meeting of the advisory body for the
29 state's forest practice program by a member of the body who is
30 not an employee of a government agency.

31 SEC. 32. Section 4629.8 of the Public Resources Code is
32 amended to read:

33 4629.8. (a) Funds deposited in the fund shall be appropriated
34 in accordance with the following priorities:

35 (1) First priority shall be for funding associated with the
36 administration and delivery of responsibilities identified in
37 subdivisions (a) to (c), inclusive, of Section 4629.6.

38 (2) Only after paragraph (1) is funded, the second priority shall
39 be, if deposits are sufficient in future years to maintain the fund,
40 by 2016, at a minimum reserve of four million dollars (\$4,000,000),

1 for use and appropriation by the Legislature in years during which
2 revenues to the account are projected to fall short of the ongoing
3 budget allocations for support of the activities identified in
4 paragraph (1).

5 (3) Only after paragraphs (1) and (2) are funded, the third
6 priority shall be in support of activities designated in subdivisions
7 (d) to (f), inclusive, of Section 4629.6.

8 (4) Only after paragraphs (1) to (3), inclusive, are funded, the
9 fourth priority shall be to support the activities designated in
10 subdivisions (g) to (i), inclusive, of Section 4629.6.

11 (b) Funds shall not be used to pay for or reimburse any
12 requirements, including mitigation of a project proponent or
13 applicant, as a condition of any permit.

14 SEC. 33. Section 21191 of the Public Resources Code is
15 amended to read:

16 21191. (a) The California Environmental License Plate Fund,
17 which supersedes the California Environmental Protection Program
18 Fund, is continued in existence in the State Treasury, and consists
19 of the moneys deposited in the fund pursuant to any provision of
20 law. The Legislature shall establish the amount of fees for
21 environmental license plates, which shall be not less than
22 forty-eight dollars (\$48) for the issuance or thirty-eight dollars
23 (\$38) for the renewal of an environmental license plate.

24 (b) The Controller shall transfer from the California
25 Environmental License Plate Fund to the Motor Vehicle Account
26 in the State Transportation Fund the amount appropriated by the
27 Legislature for the reimbursement of costs incurred by the
28 Department of Motor Vehicles in performing its duties pursuant
29 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing
30 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.
31 The reimbursement from the California Environmental License
32 Plate Fund shall only include those additional costs which are
33 directly attributable to any additional duties or special handling
34 necessary for the issuance, renewal, or retention of the
35 environmental license plates.

36 (c) The Controller shall transfer to the post fund of the Veterans'
37 Home of California, established pursuant to Section 1047 of the
38 Military and Veterans Code, all revenue derived from the issuance
39 of prisoner of war special license plates pursuant to Section 5101.5

1 of the Vehicle Code less the administrative costs of the Department
2 of Motor Vehicles in that regard.

3 (d) The Director of Motor Vehicles shall certify the amounts of
4 the administrative costs of the Department of Motor Vehicles in
5 subdivision (c) to the Controller.

6 (e) The balance of the moneys in the California Environmental
7 License Plate Fund shall be available for expenditure only for the
8 exclusive trust purposes specified in Section 21190, upon
9 appropriation by the Legislature. However, all moneys derived
10 from the issuance of commemorative 1984 Olympic reflectorized
11 license plates in the California Environmental License Plate Fund
12 shall be used only for capital outlay purposes.

13 (f) All proposed appropriations for the program shall be
14 summarized in a section in the Governor's Budget for each fiscal
15 year and shall bear the caption "California Environmental
16 Protection Program." The section shall contain a separate
17 description of each project for which an appropriation is made.
18 All of these appropriations shall be made to the department
19 performing the project and accounted for separately.

20 (g) The budget the Governor presents to the Legislature pursuant
21 to subdivision (a) of Section 12 of Article IV of the California
22 Constitution shall include, as proposed appropriations for the
23 California Environmental Protection Program, only projects and
24 programs recommended for funding by the Secretary of the Natural
25 Resources Agency pursuant to subdivision (a) of Section 21193.
26 The Secretary of the Natural Resources Agency shall consult with
27 the Secretary for Environmental Protection before making any
28 recommendations to fund projects pursuant to subdivision (a) of
29 Section 21190.

30 (h) This section shall remain in effect only until January 1, 2017,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2017, deletes or extends that date.

33 SEC. 34. Section 21191 is added to the Public Resources Code,
34 to read:

35 21191. (a) The California Environmental License Plate Fund
36 is hereby created in the State Treasury, and consists of the moneys
37 deposited in the fund pursuant to any law. The annual fee for
38 environmental license plates is forty-eight dollars (\$48) for the
39 issuance or forty-three dollars (\$43) for the renewal of the plates.

(b) The Controller shall transfer from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund the amount appropriated by the Legislature for the reimbursement of costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code. The reimbursement from the California Environmental License Plate Fund shall only include those additional costs that are directly attributable to any additional duties or special handling necessary for the issuance, renewal, or retention of the environmental license plates.

(c) The Controller shall transfer to the post fund of the Veterans' Home of California, established pursuant to Section 1047 of the Military and Veterans Code, all revenue derived from the issuance of prisoner of war special license plates pursuant to Section 5101.5 of the Vehicle Code less the administrative costs of the Department of Motor Vehicles incurred in issuing and renewing those plates.

(d) The Director of Motor Vehicles shall certify the amounts of the administrative costs of the Department of Motor Vehicles in subdivision (c) to the Controller.

(e) The balance of the moneys in the California Environmental License Plate Fund shall be available for expenditure only for the exclusive trust purposes specified in Section 21190, upon appropriation by the Legislature. However, all moneys derived from the issuance of commemorative 1984 Olympic reflectorized license plates in the California Environmental License Plate Fund shall be used only for capital outlay purposes.

(f) All proposed appropriations for the California Environmental Protection Program shall be summarized in a section in the Governor's Budget for each fiscal year and shall bear the caption "California Environmental Protection Program." The section shall contain a separate description of each project for which an appropriation is made. Each of these appropriations shall be made to the department performing the project and accounted for separately.

(g) The budget the Governor presents to the Legislature pursuant to subdivision (a) of Section 12 of Article IV of the California Constitution shall include, as proposed appropriations for the California Environmental Protection Program, only projects and

1 programs recommended for funding by the Secretary of the Natural
2 Resources Agency pursuant to subdivision (a) of Section 21193.
3 The Secretary of the Natural Resources Agency shall consult with
4 the Secretary for Environmental Protection before making any
5 recommendations to fund projects pursuant to subdivision (a) of
6 Section 21190.

7 (h) This section shall become operative on January 1, 2017, and
8 shall become inoperative on July 1, 2017, and, as of January 1,
9 2018, is repealed, unless a later enacted statute, that becomes
10 operative on or before January 1, 2018, deletes or extends the dates
11 on which it becomes inoperative and is repealed.

12 ~~SEC. 34.5.~~

13 *SEC. 35.* Section 21191 is added to the Public Resources Code,
14 to read:

15 21191. (a) The California Environmental License Plate Fund
16 is hereby created in the State Treasury, and consists of the moneys
17 deposited in the fund pursuant to any law. The annual fee for
18 environmental license plates is fifty-three dollars (\$53) for the
19 issuance or forty-three dollars (\$43) for the renewal of the plates.

20 (b) The Controller shall transfer from the California
21 Environmental License Plate Fund to the Motor Vehicle Account
22 in the State Transportation Fund the amount appropriated by the
23 Legislature for the reimbursement of costs incurred by the
24 Department of Motor Vehicles in performing its duties pursuant
25 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing
26 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.
27 The reimbursement from the California Environmental License
28 Plate Fund shall only include those additional costs that are directly
29 attributable to any additional duties or special handling necessary
30 for the issuance, renewal, or retention of the environmental license
31 plates.

32 (c) The Controller shall transfer to the post fund of the Veterans'
33 Home of California, established pursuant to Section 1047 of the
34 Military and Veterans Code, all revenue derived from the issuance
35 of prisoner of war special license plates pursuant to Section 5101.5
36 of the Vehicle Code less the administrative costs of the Department
37 of Motor Vehicles incurred in issuing and renewing those plates.

38 (d) The Director of Motor Vehicles shall certify the amounts of
39 the administrative costs of the Department of Motor Vehicles in
40 subdivision (c) to the Controller.

(e) The balance of the moneys in the California Environmental License Plate Fund shall be available for expenditure only for the exclusive trust purposes specified in Section 21190, upon appropriation by the Legislature. However, all moneys derived from the issuance of commemorative 1984 Olympic reflectorized license plates in the California Environmental License Plate Fund shall be used only for capital outlay purposes.

(f) All proposed appropriations for the California Environmental Protection Program shall be summarized in a section in the Governor's Budget for each fiscal year and shall bear the caption "California Environmental Protection Program." The section shall contain a separate description of each project for which an appropriation is made. Each of these appropriations shall be made to the department performing the project and accounted for separately.

(g) The budget the Governor presents to the Legislature pursuant to subdivision (a) of Section 12 of Article IV of the California Constitution shall include, as proposed appropriations for the California Environmental Protection Program, only projects and programs recommended for funding by the Secretary of the Natural Resources Agency pursuant to subdivision (a) of Section 21193. The Secretary of the Natural Resources Agency shall consult with the Secretary for Environmental Protection before making any recommendations to fund projects pursuant to subdivision (a) of Section 21190.

(h) This section shall become operative on July 1, 2017.

~~SEC. 35.~~

SEC. 36. The heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of the Public Resources Code is repealed.

~~SEC. 36.~~

SEC. 37. Chapter 6.5 (commencing with Section 25550) is added to Division 15 of the Public Resources Code, to read:

CHAPTER 6.5. NATURAL GAS RATING AND TRACKING

Article 1. Definitions

25550. For purposes of this chapter, the following definitions apply:

1 (a) “Buyer of natural gas” means a gas corporation, local
2 publicly owned gas utility, noncore gas customer, or core transport
3 agent.

4 (b) “Core transport agent” has the same meaning as set forth in
5 subdivision (b) of Section 980 of the Public Utilities Code.

6 (c) “Division” means the Division of Oil, Gas, and Geothermal
7 Resources.

8 (d) “Gas corporation” has the same meaning as set forth in
9 Section 222 of the Public Utilities Code.

10 (e) “Natural gas infrastructure” means a natural gas facility used
11 for the production, gathering and boosting, processing,
12 transmission, storage, or distribution necessary for the delivery of
13 natural gas to end-use customers in California.

14 (f) “Noncore gas customer” means an entity that procures
15 directly from natural gas producers or natural gas marketers and
16 is not a gas corporation or local publicly owned gas utility.

17 (g) “Procure” means to acquire through ownership or contract.

18 (h) “Tracking” means using a system that communicates the
19 pathway of a given volume of natural gas from its initial production
20 to its delivery to end-use customers in this state.

21
22 Article 2. Natural Gas Tracking System
23

24 25555. (a) Not later than September 15, 2017, the commission
25 shall report to the respective budget committees of each house of
26 the Legislature on the resources needed to develop a plan for
27 tracking natural gas, and a recommendation for developing the
28 plan, considering cost-effectiveness and efficacy. This report shall
29 include the resources needed to do all of the following:

30 (1) Collect data from natural gas participants to support the
31 work described in subdivision (c). The commission shall consult
32 with the State Air Resources Board to determine the most
33 appropriate data to collect.

34 (2) Consider participation in, or formation of, interstate and
35 federal working groups, compacts, or agreements.

36 (3) Establish methods to ensure natural gas tracking data
37 reporting compliance by buyers of natural gas, and natural gas
38 producers, marketers, storers, and transporters.

(4) Provide data collected pursuant to paragraph (1) to the State Air Resources Board to support the implementation of Section 39731 of the Health and Safety Code.

(b) In the consideration of the report pursuant to subdivision (a), the commission consult with, and receive information from, stakeholders, including, but not limited to, the Public Utilities Commission, the United States Environmental Protection Agency, the United States Department of Energy, the State Air Resources Board, the division, the Federal Energy Regulatory Commission, the United States Department of Transportation Office of Pipeline Safety, appropriate agencies in states where gas consumed in California is produced, gathered and boosted, processed, transmitted, stored, or distributed, representatives of the oil and gas industry, and independent experts from academia and nongovernmental organizations.

(c) The State Air Resources Board, in consultation with the commission, shall develop a model of fugitive and vented emissions of methane from natural gas infrastructure. The model shall do all of the following:

(1) Quantify emissions from specific natural gas infrastructure.

(2) Incorporate the current condition and current management practices of specific natural gas infrastructure.

(3) Incorporate natural gas industry best management practices established by the Public Utilities Commission pursuant to section 975 of the Public Utilities Code for gas corporations, by the United States Environmental Protection Agency, by the division, and by other relevant entities.

~~SEC. 37.~~

SEC. 38. Section 43053 of the Revenue and Taxation Code is amended to read:

43053. The fees imposed pursuant to Sections 25205.2, 25205.5, and 25205.14 of the Health and Safety Code shall be administered and collected by the board in accordance with this part.

~~SEC. 38.~~

SEC. 39. Section 43152.10 of the Revenue and Taxation Code is amended to read:

43152.10. The fees collected and administered under Sections 43053 and 43054 are due and payable within 30 days after the date of assessment and the fee payer shall deliver a remittance of the

1 amount of the assessed fee to the office of the board within that
2 30-day period.

3 ~~SEC. 39.~~

4 *SEC. 40.* Section 5106 of the Vehicle Code is amended to read:

5 5106. (a) In addition to the regular registration fee or a
6 permanent trailer identification fee, the applicant shall be charged
7 a fee of forty-eight dollars (\$48) for issuance of environmental
8 license plates.

9 (b) In addition to the regular renewal fee or a permanent trailer
10 identification fee for the vehicle to which the plates are assigned,
11 the applicant for a renewal of environmental license plates shall
12 be charged an additional fee of thirty-eight dollars (\$38). An
13 applicant with a permanent trailer identification plate shall be
14 charged an annual fee of thirty-eight dollars (\$38) for renewal of
15 environmental license plates. However, applicants for renewal of
16 prisoner-of-war special license plates issued under Section 5101.5
17 shall not be charged the additional renewal fee under this
18 subdivision.

19 (c) When payment of renewal fees is not required as specified
20 in Section 4000, the holder of any environmental license plate may
21 retain the plate upon payment of an annual fee of thirty-eight
22 dollars (\$38). The fee shall be due at the expiration of the
23 registration year of the vehicle to which the environmental license
24 plate was last assigned. However, applicants for retention of
25 prisoner-of-war special license plates issued under Section 5101.5
26 shall not be charged the additional retention fee under this
27 subdivision.

28 (d) Notwithstanding Section 9265, the applicant for a duplicate
29 environmental license plate shall be charged a fee of thirty-eight
30 dollars (\$38).

31 (e) This section shall remain in effect only until January 1, 2017,
32 and as of that date is repealed, unless a later enacted statute, that
33 is enacted before January 1, 2017, deletes or extends that date.

34 ~~SEC. 40.~~

35 *SEC. 41.* Section 5106 is added to the Vehicle Code, to read:

36 5106. (a) In addition to the regular registration fee or a
37 permanent trailer identification fee, the applicant shall be charged
38 a fee of forty-eight dollars (\$48) for issuance of environmental
39 license plates.

(b) In addition to the regular renewal fee or a permanent trailer identification fee for the vehicle to which the plates are assigned, the applicant for a renewal of environmental license plates shall be charged an additional fee of forty-three dollars (\$43). An applicant with a permanent trailer identification plate shall be charged an annual fee of forty-three dollars (\$43) for renewal of environmental license plates. However, applicants for renewal of prisoner-of-war special license plates issued under Section 5101.5 shall not be charged the additional renewal fee under this subdivision.

(c) When payment of renewal fees is not required as specified in Section 4000, the holder of any environmental license plate may retain the plate upon payment of an annual fee of forty-three dollars (\$43). The fee shall be due at the expiration of the registration year of the vehicle to which the environmental license plate was last assigned. However, applicants for retention of prisoner-of-war special license plates issued under Section 5101.5 shall not be charged the additional retention fee under this subdivision.

(d) Notwithstanding Section 9265, the applicant for a duplicate environmental license plate shall be charged a fee of forty-three dollars (\$43).

(e) This section shall become operative on January 1, 2017, and shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 41.~~

SEC. 42. Section 5106 is added to the Vehicle Code, to read:

5106. (a) In addition to the regular registration fee or a permanent trailer identification fee, the applicant shall be charged a fee of fifty-three dollars (\$53) for issuance of environmental license plates.

(b) In addition to the regular renewal fee or a permanent trailer identification fee for the vehicle to which the plates are assigned, the applicant for a renewal of environmental license plates shall be charged an additional fee of forty-three dollars (\$43). An applicant with a permanent trailer identification plate shall be charged an annual fee of forty-three dollars (\$43) for renewal of environmental license plates. However, applicants for renewal of prisoner-of-war special license plates issued under Section 5101.5

1 shall not be charged the additional renewal fee under this
2 subdivision.

3 (c) When payment of renewal fees is not required as specified
4 in Section 4000, the holder of any environmental license plate may
5 retain the plate upon payment of an annual fee of forty-three dollars
6 (\$43). The fee shall be due at the expiration of the registration year
7 of the vehicle to which the environmental license plate was last
8 assigned. However, applicants for retention of prisoner-of-war
9 special license plates issued under Section 5101.5 shall not be
10 charged the additional retention fee under this subdivision.

11 (d) Notwithstanding Section 9265, the applicant for a duplicate
12 environmental license plate shall be charged a fee of forty-three
13 dollars (\$43).

14 (e) This section shall become operative on July 1, 2017.

15 ~~SEC. 42.~~

16 *SEC. 43.* Section 5108 of the Vehicle Code is amended to read:

17 5108. (a) Whenever any person who has been issued
18 environmental license plates applies to the department for transfer
19 of the plates to another passenger vehicle, commercial motor
20 vehicle, trailer, or semitrailer, a transfer fee of thirty-eight dollars
21 (\$38) shall be charged in addition to all other appropriate fees.

22 (b) This section shall remain in effect only until January 1, 2017,
23 and as of that date is repealed, unless a later enacted statute, that
24 is enacted before January 1, 2017, deletes or extends that date.

25 ~~SEC. 43.~~

26 *SEC. 44.* Section 5108 is added to the Vehicle Code, to read:

27 5108. (a) Whenever any person who has been issued
28 environmental license plates applies to the department for transfer
29 of the plates to another passenger vehicle, commercial motor
30 vehicle, trailer, or semitrailer, a transfer fee of forty-three dollars
31 (\$43) shall be charged in addition to all other appropriate fees.

32 (b) This section shall become operative on January 1, 2017.

33 ~~SEC. 44.~~

34 *SEC. 45.* Section 1430 of the Water Code is amended to read:

35 1430. A temporary permit issued under this chapter shall not
36 result in the creation of a vested right, even of a temporary nature,
37 but shall be subject at all times to modification or revocation in
38 the discretion of the board. The authorization to divert and use
39 water under a temporary permit shall automatically expire 180
40 days after the authorization takes effect, unless an earlier date is

1 specified or the temporary permit is revoked. The 180-day period
2 does not include any time required for monitoring, reporting, or
3 mitigation before or after the authorization to divert or use water
4 under the temporary permit. If the temporary permit authorizes
5 diversion to storage, the 180-day period is a limitation on the
6 authorization to divert and not a limitation on the authorization
7 for beneficial use of water diverted to storage.

8 ~~SEC. 45.~~

9 *SEC. 46.* Section 1440 of the Water Code is amended to read:
10 1440. A temporary change order issued under this chapter shall
11 not result in the creation of a vested right, even of a temporary
12 nature, but shall be subject at all times to modification or revocation
13 in the discretion of the board. The authorization to divert and use
14 water under a temporary change order shall automatically expire
15 180 days after the authorization takes effect, unless an earlier date
16 is specified or the temporary change order is revoked. The 180-day
17 period does not include any time required for monitoring, reporting,
18 or mitigation before or after the authorization to divert or use water
19 under the temporary change order. If the temporary change order
20 authorizes diversion to storage, the 180-day period is a limitation
21 on the authorization to divert and not a limitation on the
22 authorization for beneficial use of water diverted to storage.

23 ~~SEC. 46.~~

24 *SEC. 47.* Section 13205 of the Water Code is amended to read:
25 13205. Each member of a regional board shall receive two
26 hundred fifty dollars (\$250) for each day during which that member
27 is engaged in the performance of official duties. The performance
28 of official duties includes, but is not limited to, reviewing agenda
29 materials for no more than one day in preparation for each regional
30 board meeting. The total compensation received by members of
31 all of the regional boards shall not exceed, in any one fiscal year,
32 the sum of three hundred seventy-eight thousand two hundred fifty
33 dollars (\$378,250). A member may decline compensation. In
34 addition to the compensation, each member shall be reimbursed
35 for necessary traveling and other expenses incurred in the
36 performance of official duties.

37 ~~SEC. 47.~~

38 *SEC. 48.* Section 79717 is added to the Water Code, to read:
39 79717. (a) On or before January 10, 2017, and annually on or
40 before each January 10 thereafter, the Natural Resources Agency

1 shall submit to the relevant fiscal and policy committees of the
2 Legislature and to the Legislative Analyst's Office a report that
3 contains all of the following information relating to this division
4 for the previous fiscal year with the information summarized by
5 section of this division:

- 6 (1) Funding appropriations and encumbrances.
- 7 (2) Summary of new projects funded.
- 8 (3) Summary of projects completed.
- 9 (4) Discussion of progress towards meeting the metrics of
10 success established pursuant to Section 79716.
- 11 (5) Discussion of common challenges experienced by state
12 agencies and recipients of funding in executing projects.
- 13 (6) Discussion of major accomplishments and successes
14 experienced by state agencies and recipients of funding in executing
15 projects.

16 (b) This section shall remain in effect only until January 1, 2022,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2022, deletes or extends that date.

19 ~~SEC. 48.~~

20 *SEC. 49.* Section 258 of the Welfare and Institutions Code is
21 amended to read:

22 258. (a) Upon a hearing conducted in accordance with Section
23 257, and upon either an admission by the minor of the commission
24 of a violation charged, or a finding that the minor did in fact
25 commit the violation, the judge, referee, or juvenile hearing officer
26 may do any of the following:

- 27 (1) Reprimand the minor and take no further action.
- 28 (2) Direct that the probation officer undertake a program of
29 supervision of the minor for a period not to exceed six months, in
30 addition to or in place of the following orders.
- 31 (3) Order that the minor pay a fine up to the amount that an
32 adult would pay for the same violation, unless the violation is
33 otherwise specified within this section, in which case the fine shall
34 not exceed two hundred fifty dollars (\$250). This fine may be
35 levied in addition to or in place of the following orders and the
36 court may waive any or all of this fine, if the minor is unable to
37 pay. In determining the minor's ability to pay, the court shall not
38 consider the ability of the minor's family to pay.

39 (4) Subject to the minor's right to a restitution hearing, order
40 that the minor pay restitution to the victim, in lieu of all or a portion

1 of the fine specified in paragraph (3). The total dollar amount of
2 the fine, restitution, and any program fees ordered pursuant to
3 paragraph (9) shall not exceed the maximum amount which may
4 be ordered pursuant to paragraph (3). This paragraph shall not be
5 construed to limit the right to recover damages, less any amount
6 actually paid in restitution, in a civil action.

7 (5) Order that the driving privileges of the minor be suspended
8 or restricted as provided in the Vehicle Code or, notwithstanding
9 Section 13203 of the Vehicle Code or any other provision of law,
10 when the Vehicle Code does not provide for the suspension or
11 restriction of driving privileges, that, in addition to any other order,
12 the driving privileges of the minor be suspended or restricted for
13 a period of not to exceed 30 days.

14 (6) In the case of a traffic related offense, order the minor to
15 attend a licensed traffic school, or other court approved program
16 of traffic school instruction pursuant to Chapter 1.5 (commencing
17 with Section 11200) of Division 5 of the Vehicle Code, to be
18 completed by the juvenile within 60 days of the court order.

19 (7) Order that the minor produce satisfactory evidence that the
20 vehicle or its equipment has been made to conform with the
21 requirements of the Vehicle Code pursuant to Section 40150 of
22 the Vehicle Code if the violation involved an equipment violation.

23 (8) Order that the minor perform community service work in a
24 public entity or any private nonprofit entity, for not more than 50
25 hours over a period of 60 days, during times other than his or her
26 hours of school attendance or employment. Work performed
27 pursuant to this paragraph shall not exceed 30 hours during any
28 30-day period. The timeframes established by this paragraph shall
29 not be modified except in unusual cases where the interests of
30 justice would best be served. When the order to work is made by
31 a referee or a juvenile hearing officer, it shall be approved by a
32 judge of the juvenile court.

33 For purposes of this paragraph, a judge, referee, or juvenile
34 hearing officer shall not, without the consent of the minor, order
35 the minor to perform work with a private nonprofit entity that is
36 affiliated with any religion.

37 (9) In the case of a misdemeanor, order that the minor participate
38 in and complete a counseling or educational program, or, if the
39 offense involved a violation of a controlled substance law, a drug
40 treatment program, if those programs are available. Fees for

1 participation shall be subject to the right to a hearing as the minor's
2 ability to pay and shall not, together with any fine or restitution
3 order, exceed the maximum amount that may be ordered pursuant
4 to paragraph (3).

5 (10) Require that the minor attend a school program without
6 unexcused absence.

7 (11) If the offense is a misdemeanor committed between 10
8 p.m. and 6 a.m., require that the minor be at his or her legal
9 residence at hours to be specified by the juvenile hearing officer
10 between the hours of 10 p.m. and 6 a.m., except for a medical or
11 other emergency, unless the minor is accompanied by his or her
12 parent, guardian, or other person in charge of the minor. The
13 maximum length of an order made pursuant to this paragraph shall
14 be six months from the effective date of the order.

15 (12) Make any or all of the following orders with respect to a
16 violation of the Fish and Game Code which is not charged as a
17 felony:

18 (A) That the fishing or hunting license involved be suspended
19 or restricted.

20 (B) That the minor work in a park or conservation area for a
21 total of not to exceed 20 hours over a period not to exceed 30 days,
22 during times other than his or her hours of school attendance or
23 employment.

24 (C) That the minor forfeit, pursuant to Section 12157 of the Fish
25 and Game Code, any device or apparatus designed to be, and
26 capable of being, used to take birds, mammals, fish, reptiles, or
27 amphibia and that was used in committing the violation charged.
28 The judge, referee, or juvenile hearing officer shall, if the minor
29 committed an offense that is punishable under Section 12008 or
30 12008.1 of the Fish and Game Code, order the device or apparatus
31 forfeited pursuant to Section 12157 of the Fish and Game Code.

32 (13) If the violation charged is of an ordinance of a city, county,
33 or local agency relating to loitering, curfew, or fare evasion on a
34 public transportation system, as defined by Section 99211 of the
35 Public Utilities Code, or is a violation of Section 640 or 640a of
36 the Penal Code, make the order that the minor shall perform
37 community service for a total time not to exceed 20 hours over a
38 period not to exceed 30 days, during times other than his or her
39 hours of school attendance or employment.

1 (b) If the minor is before the court on the basis of truancy, as
2 described in subdivision (b) of Section 601, all of the following
3 procedures and limitations shall apply:

4 (1) The judge, referee, or juvenile hearing officer shall not
5 proceed with a hearing unless both of the following have been
6 provided to the court:

7 (A) Evidence that the minor's school has undertaken the actions
8 specified in subdivisions (a), (b), and (c) of Section 48264.5 of the
9 Education Code. If the school district does not have an attendance
10 review board, as described in Section 48321 of the Education Code,
11 the minor's school is not required to provide evidence to the court
12 of any actions the school has undertaken that demonstrate the
13 intervention of a school attendance review board.

14 (B) The available record of previous attempts to address the
15 minor's truancy.

16 (2) The court is encouraged to set the hearing outside of school
17 hours, so as to avoid causing the minor to miss additional school
18 time.

19 (3) Pursuant to paragraph (1) of subdivision (a) of Section 257,
20 the minor and his or her parents shall be advised of the minor's
21 right to refuse consent to a hearing conducted upon a written notice
22 to appear.

23 (4) The minor's parents shall be permitted to participate in the
24 hearing.

25 (5) The judge, referee, or juvenile hearing officer may continue
26 the hearing to allow the minor the opportunity to demonstrate
27 improved attendance before imposing any of the orders specified
28 in paragraph (6). Upon demonstration of improved attendance, the
29 court may dismiss the case.

30 (6) Upon a finding that the minor violated subdivision (b) of
31 Section 601, the judge, referee, or juvenile hearing officer shall
32 direct his or her orders at improving the minor's school attendance.
33 The judge, referee, or juvenile hearing officer may do any of the
34 following:

35 (A) Order the minor to perform community service work, as
36 described in Section 48264.5 of the Education Code, which may
37 be performed at the minor's school.

38 (B) Order the payment of a fine by the minor of not more than
39 fifty dollars (\$50), for which a parent or legal guardian of the minor
40 may be jointly liable. The fine described in this subparagraph shall

1 not be subject to Section 1464 of the Penal Code or additional
2 penalty pursuant to any other law. The minor, at his or her
3 discretion, may perform community service, as described in
4 subparagraph (A), in lieu of any fine imposed under this
5 subparagraph.

6 (C) Order a combination of community service work described
7 in subparagraph (A) and payment of a portion of the fine described
8 in subparagraph (B).

9 (D) Restrict driving privileges in the manner set forth in
10 paragraph (5) of subdivision (a). The minor may request removal
11 of the driving restrictions if he or she provides proof of school
12 attendance, high school graduation, GED completion, or enrollment
13 in adult education, a community college, or a trade program. Any
14 driving restriction shall be removed at the time the minor attains
15 18 years of age.

16 (c) (1) The judge, referee, or juvenile hearing officer shall retain
17 jurisdiction of the case until all orders made under this section
18 have been fully complied with.

19 (2) If a minor is before the judge, referee, or juvenile hearing
20 officer on the basis of truancy, jurisdiction shall be terminated
21 upon the minor attaining 18 years of age.

22 ~~SEC. 49.~~

23 *SEC. 50.* Section 11 of Chapter 2 of the Statutes of 2009,
24 Seventh Extraordinary Session, is amended to read:

25 *SEC. 11.* (a) (1) Except as provided in paragraph (2),
26 commencing with the 2010–11 fiscal year, and notwithstanding
27 Section 13340 of the Government Code, three million seven
28 hundred fifty thousand dollars (\$3,750,000) is hereby continuously
29 appropriated, without regard to fiscal years, on an annual basis,
30 only from the fee revenue in the Water Rights Fund to the State
31 Water Resources Control Board for the purposes of funding 25.0
32 permanent water right enforcement positions, as provided in
33 Schedule (2) of Item 3940-001-0439 of Section 2.00 of the Budget
34 Act of 2009, as amended by Chapter 2 of the Seventh Extraordinary
35 Session of the Statutes of 2009.

36 (2) This subdivision makes appropriations, on an annual basis,
37 only for the fiscal years commencing with the 2010–11 fiscal year
38 and through the 2015–16 fiscal year. Annual appropriations made
39 under this subdivision are available for encumbrance only until

1 June 30, 2016, and appropriations encumbered under this
2 subdivision are available for expenditure only until June 30, 2018.

3 (b) Commencing with the 2016–17 fiscal year, and
4 notwithstanding Section 13340 of the Government Code, three
5 million seven hundred fifty thousand dollars (\$3,750,000) is hereby
6 appropriated, on an annual basis, only from the fee revenues in
7 the Water Rights Fund to the State Water Resources Control Board
8 for the purposes of funding the 25.0 permanent water right
9 enforcement positions described in subdivision (a). Each annual
10 appropriation shall be available for encumbrance only during the
11 fiscal year of the appropriation and available for liquidation only
12 during the fiscal year of that annual appropriation and the two
13 fiscal years immediately following that fiscal year.

14 ~~SEC. 50.~~

15 *SEC. 51.* (a) On or before January 1, 2020, the Natural
16 Resources Agency shall submit to the relevant fiscal and policy
17 committees of the Legislature and to the Legislative Analyst's
18 Office a report summarizing lessons learned from the state's
19 response to the drought. The report shall compile information from
20 the various state entities responsible for drought response activities,
21 including, but not limited to, the State Water Resources Control
22 Board, the Department of Water Resources, the Department of
23 Fish and Wildlife, the Department of Forestry and Fire Protection,
24 and the Office of Emergency Services.

25 (b) The report shall discuss the state's drought response efforts
26 for at least all of the following categories:

- 27 (1) Drinking water.
28 (2) Water rights.
29 (3) Water supply, including groundwater and operations of the
30 State Water Project and the federal Central Valley Project.
31 (4) Water quality.
32 (5) Fish and wildlife.
33 (6) Water conservation.
34 (7) Fire protection.
35 (8) Emergency human assistance.

36 (c) The report shall include a discussion of, and data related to,
37 all of the following for each of the categories included in the report
38 pursuant to subdivision (b):

- 39 (1) Major drought response activities undertaken.
40 (2) Major challenges encountered.

1 (3) Efforts in which the state achieved notable successes.

2 (4) Efforts in which the state needs to make improvements.

3 (5) Recommendations for improving the state's response in the
4 future, including potential changes to state policy and additional
5 data the state should collect.

6 ~~SEC. 51.~~

7 *SEC. 52.* The sum of two hundred thirty thousand dollars
8 (\$230,000) is hereby appropriated from the Timber Regulation
9 and Forest Restoration Fund to the Secretary of the Natural
10 Resources Agency to provide public process and scientific expertise
11 and per diem payments to nongovernmental participants of Timber
12 Regulation and Forest Restoration Program working groups.

13 *SEC. 53.* *Section 1.5 of this bill incorporates amendments to*
14 *Section 1602 of the Fish and Game Code proposed by this bill,*
15 *Assembly Bill 1609, and Senate Bill 837. It shall only become*
16 *operative if (1) both this bill and Assembly Bill 1609 or Senate*
17 *Bill 837 are enacted and become effective on or before January*
18 *1, 2017, (2) each bill amends Section 1602 of the Fish and Game*
19 *Code, and (3) this bill is enacted after Assembly Bill 1609 or Senate*
20 *Bill 837, in which case Section 1 of this bill shall not become*
21 *operative.*

22 ~~SEC. 52.~~

23 *SEC. 54.* No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 ~~SEC. 53.~~

33 *SEC. 55.* This act is a bill providing for appropriations related
34 to the Budget Bill within the meaning of subdivision (e) of Section
35 12 of Article IV of the California Constitution, has been identified
36 as related to the budget in the Budget Bill, and shall take effect
37 immediately.